



ANNO DECIMO

# GEORGIIV. REGIS.

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## *Cap. xl.*

An Act for paving, lighting, watching, cleansing, regulating, and improving the Town of *South Shields* in the County Palatine of *Durham*.

[14th *May* 1829.]

**W**HEREAS the Town of *South Shields* in the County Palatine of *Durham* is of considerable Extent and Population, continually increasing, situated in a very populous District, and is a Place of great Trade as a Seaport and otherwise: And whereas the Streets, Lanes, and other public Passages and Places in the said Town are not lighted or watched, nor are the same properly paved and cleansed, and the same are subject to various Nuisances, Annoyances, Encroachments, and Obstructions, and various Irregularities are frequently committed therein in the Night-time: And whereas it would be of great Benefit and Advantage to the Inhabitants of the said Town, and to all Persons resorting thereto, if the said Streets, Lanes, and other public Passages and Places were properly paved, lighted, watched, and cleansed, and freed from all Nuisances, Annoyances, Encroachments, and Obstructions, and if the narrow and incommodious Parts thereof were widened, enlarged, and improved, and if proper Regulations were made and established for the Government and Police of the said Town; but as such beneficial Objects cannot be effected without the Aid and Authority of Parliament, May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and

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by

Com-  
missioners ap-  
pointed.

by the Authority of the same, That all His Majesty's Justices of the Peace residing within the Townships of *South Shields* and *Westoe*, or either of them, the Perpetual Curate of the Chapel of *Saint Hilda* for the Time being, the Chapelwardens of *Saint Hilda* for the Time being, the Bailiff of the Manor of *Westoe* otherwise *Wivestoe* for the Time being, and every Person who now is or shall or may at any Time hereafter, either in his own Right or in the Right of his Wife, be seised of or entitled to and be in the actual Possession or Receipt of the Rents and Profits of Freehold or Leasehold Messuages, Lands, Tenements, or Hereditaments, situate within the Limits of this Act, of the clear yearly Value of Thirty Pounds, and every Person who now is or shall or may at any Time hereafter be or become a Householder or Occupier of Messuages, Lands, Tenements, or Hereditaments, within the Limits of this Act, of the annual Value of Thirty Pounds, and every Person who now is or shall be or hereafter become a Householder or Occupier of Messuages, Lands, Tenements, or Hereditaments within the Limits of this Act, and be really and *bonâ fide* possessed of Real or Personal Property, or both Species of Property taken together, amounting to the Value of Two thousand Pounds above Reprizes, shall be and they are hereby constituted, appointed, and declared Commissioners for putting the several Powers and Purposes of this Act into execution.

Com-  
missioners by  
virtue of  
their Office to  
take the fol-  
lowing Oath.

II. Provided always, and be it further enacted, That no Person hereby appointed Commissioner by virtue of his Office shall be capable of acting as a Commissioner in the Execution of this Act (except in administering the Oath or Affirmation herein-after mentioned) until he shall, at a Meeting to be held by virtue of this Act, have taken and subscribed an Oath or made and subscribed an Affirmation in the Form or to the Effect following; (that is to say,)

‘ I *A. B.* do swear, [*or, being a Quaker, do solemnly affirm,*] That I will faithfully, truly, and impartially, according to the best of my Skill and Judgment, execute and perform all and every the Powers and Authorities reposed in me as a Commissioner by virtue of an Act passed in the Tenth Year of the Reign of King *George* the Fourth, intituled *An Act* [*here set forth the Title of this Act*].  
‘ So help me GOD.’

[*Or, being a Quaker, omit the Words ‘ So help me God.’*]

Com-  
missioners by  
virtue of  
Property to  
take the fol-  
lowing Oath.

III. Provided always, and be it further enacted, That no Person (except Persons appointed Commissioners by virtue of their Office) shall be capable of acting as a Commissioner in the Execution of this Act (except in administering the Oath or Affirmation herein-after mentioned) until he shall, at a Meeting to be held by virtue of this Act, have taken and subscribed an Oath or made and subscribed an Affirmation in the Form or to the Effect following; (that is to say,)

‘ I *A. B.* do swear, [*or, being a Quaker, do solemnly affirm,*] That I am really and *bonâ fide*, in my own Right, [*or in the Right of my Wife, as the Case may be,*] seised of or entitled to and in the actual Possession or Receipt of the Rents and Profits of Freehold or Leasehold Messuages, Lands, Tenements, or Hereditaments, situate  
1. within

‘ within the Limits of an Act of Parliament made and passed in the  
 ‘ Tenth Year of the Reign of King *George* the Fourth, intituled  
 ‘ *An Act* [*here set forth the Title of this Act*], of the clear yearly  
 ‘ Value of Thirty Pounds, [*or that I am a Householder or Occupier*  
 ‘ of Messuages, Lands, Tenements, or Hereditaments, within the  
 ‘ Limits of the said Act, of the annual Value of Thirty Pounds, *or*  
 ‘ that I am a Householder or Occupier of Messuages, Lands, Tene-  
 ‘ ments, or Hereditaments within the Limits of this Act, and am  
 ‘ really and *bonâ fide* possessed of Real Property, *or* Personal Pro-  
 ‘ perty, *or* Real and Personal Property together, *as the Case may be,*  
 ‘ amounting to the Value of Two thousand Pounds above Reprizes,]  
 ‘ and that I will faithfully, truly, and impartially, according to the  
 ‘ best of my Skill and Judgment, execute and perform all and every  
 ‘ the Powers and Authorities reposed in me as a Commissioner by  
 ‘ virtue of the said Act. So help me GOD.’

[*Or, being a Quaker, omit the Words ‘ So help me God.’*]

IV. And be it further enacted, That no Person shall act as a Commissioner in the Execution of this Act during the Time he shall hold or enjoy any Office or Place of Profit under this Act, or be concerned or interested in any Contract made under or by virtue of this Act, or in any Case wherein he shall be personally interested in the Matter in question (except as a Creditor on the Rates or Assessments, or as a Shareholder in any Company for the Manufacture of Gas); and if any Person not being qualified in manner in this Act mentioned, or not having taken and subscribed the Oath as aforesaid, or, being a Quaker, not having made and subscribed the Affirmation as aforesaid, or being in any Manner disqualified as aforesaid, shall act as a Commissioner in the Execution of this Act (except in administering the Oath herein-before mentioned), every such Person shall for every such Offence forfeit and pay the Sum of One hundred Pounds, together with full Costs of Suit, to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty’s Courts of Record at *Westminster*; and every Person so prosecuted or against whom such Action shall be brought shall prove that he was at the Time acting qualified as aforesaid, or otherwise shall pay the said Penalty, without any other Proof given on the Part of the Plaintiff or Prosecutor in such Action than that such Person has acted as a Commissioner in the Execution of this Act: Provided nevertheless, that all Acts and Proceedings of any Person acting as a Commissioner in the Execution of this Act, (though not qualified as aforesaid,) previous to his or their being convicted of the said Offence, shall, notwithstanding such Conviction, be as good, valid, and effectual as if such Person had been qualified according to the Directions of this Act.

V. And whereas it is expedient that the Boundary or Limit of the said Town of *South Shields* shall be precisely fixed and ascertained, so far as the same is made subject to the Provisions and Regulations of this Act; be it therefore enacted, That from and after the passing of this Act the Boundary or Limit of the said Town of *South Shields* shall be deemed and taken, for all the Purposes of this Act,

Defining the  
Limits of the  
Town of  
South  
Shields.

Act, to be as follows; that is to say, on the East, a Line drawn from the River *Tyne* in a South Direction, along the *Bents*, to the Termination of the *Shieldsheugh* Estate, and from thence in a West and South-west Direction, along the Boundary Fence of the said *Shieldsheugh* Estate, to where it forms a Junction with a Ropewalk belonging to *Robert Ingham* Esquire, and from thence in a South Direction, along the East Boundary Fence of the Freehold Ground of the Reverend *John Saville Ogle*, to the South-east Corner thereof; on the South, a Line drawn from the said South-east Corner of the said *John Saville Ogle's* said Freehold Ground, in a West Direction, along the South Boundary of such Freehold Ground, and along the Wall in Front of *Ogle Terrace*, to the Turnpike Road leading from *South Shields* to *Sunderland*, and from thence, in a South-westernly Direction in a straight Line to the South-east Corner of the Freehold Ground of *Sarah Green*, and from thence, along the South Boundary of the same last-mentioned Freehold Ground, to the Road leading to *Westoe*, at the East Corner of the Ground of *William Wallis* Esquire, and from the said Corner of the said last-mentioned Ground in a West by South-west Direction, in a straight Line, to the South-east Corner of a Ropery late belonging to *Mattherw Smith*, and now to *John Chambers*, and from thence along the South Side of the said Ropery to the Turnpike Road leading from *South Shields* to *White Mere Pool*, and from thence in a South-west Direction in a straight Line to the South Corner of Mister *Cuthbert Young's* Dockyard, and from thence along the South-west Boundary of the same last-mentioned Property to the River *Tyne*; and on the West and North the River *Tyne*: Provided always, that nothing in this Act contained shall extend or be taken or construed to alter or in any Manner affect the present Boundaries or Limits of the Parish of *Jarrow*, or any of the Townships contained therein, otherwise than for the Purposes of this Act; but that in all other respects, and for all other Purposes whatsoever, the present Boundaries and Limits of the said Parish, and the several Townships contained therein, shall continue and be the same as they respectively were at and immediately before the passing of this Act.

Future new Streets, &c. to be considered within the Limits of this Act.

VI. Provided always, and be it further enacted, That in case any new Street or Streets, Square or Squares, shall hereafter be made and built within the Townships of *South Shields* and *Westoe*, or either of them, and contiguous to the said Town of *South Shields*, but without the Limits or Boundary herein-before mentioned, all and every such new Street or Streets, Square or Squares, shall, when the same shall be well and sufficiently made, perfected, and put in good Order, to the Satisfaction of the said Commissioners, be deemed and taken to be within the Limits or Boundary of *South Shields*, for all the Purposes of this Act, in the same and as ample Manner as if the same Street or Streets, Square or Squares, had, at the Time of passing this Act, been actually situated within the Boundary or Limits herein-before particularly described.

Power for Commissioners to declare new

VII. And be it further enacted, That it shall be lawful for the said Commissioners at any Meeting to be duly held in pursuance hereof, by any Writing under their Hands, or the Hands of any Five

or

or more of them, to be affixed on the outer Door of the principal Entrance of the Chapel of *Saint Hilda* aforesaid, to declare any new Street or Streets, Square or Squares, already laid out or hereafter to be laid out, (when the same shall have been well and sufficiently made, perfected, and put in good Order, to the Satisfaction of the said Commissioners,) within the Limits of this Act, to be public Streets or Squares; and from and after the Date of such Declarations in Writing, such new Street or Streets, Square or Squares, shall be deemed and taken to be public Streets or Squares for all the Purposes of this Act.

Streets, &c.,  
when made,  
to be public.

VIII. And be it further enacted, That the said Commissioners, or any Five or more of them, shall and they are hereby empowered and required to assemble and hold their First Meeting in the Vestry Room of the Chapel of *Saint Hilda*, or at any other convenient Place within the Town of *South Shields* aforesaid, upon the First Day of *July* next after the passing of this Act, between the Hours of Eleven of the Clock in the Forenoon and Two of the Clock in the Afternoon; at which Meetings, so soon as Five or more Persons shall have assembled, the Persons assembled shall proceed to elect a Chairman; and such Chairman shall take or make and subscribe before the other of such Persons then present at such Meeting, or any Four of them, the Oath or Affirmation herein-before prescribed and required to be taken or made and subscribed; and after such Chairman shall have so taken or made and subscribed the same, it shall be lawful for such Chairman and he is hereby required to administer the Oath or Affirmation herein-before prescribed and required to be taken or made and subscribed to the other of such Persons present at such Meeting; and when such Chairman and any other Four or more of such Persons shall have so taken or made and subscribed such Oath or Affirmation, such Commissioners so sworn or affirmed, or any Five or more of them, shall and may proceed to put this Act into execution.

First Meeting  
of Commis-  
sioners.

IX. And be it further enacted, That it shall be lawful for the said Commissioners present at their First Meeting, or at any subsequent Meetings held in pursuance of this Act, from Time to Time to adjourn and to appoint their next Meeting to be holden at any future Day and Time, not exceeding Twenty-one Days from the last Day of Meeting, at the Vestry Room aforesaid, or at such other Place or Places within the said Town as they shall think most convenient; and if at any Time and Place appointed for any Meeting there shall not be Five Commissioners present before the Hour of Twelve of the Clock, then and in every such Case the Commissioners or Commissioner present shall adjourn the Meeting to some future Day, not later than Fourteen Days then next ensuing; or if no Commissioner shall attend, or if the Commissioners or Commissioner present shall neglect or omit to adjourn, then and in every such Case the Clerk or Clerks to the said Commissioners shall adjourn the Meeting to some future Day, not later than Fourteen Days then next ensuing; of which adjourned Meeting such Clerk or Clerks shall cause Notice in Writing to be affixed on the outer Door of the principal Entrance of the Chapel of *Saint Hilda*, Seven Days before

Adjourned  
Meetings.

[*Local.*]

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such

such adjourned Meeting; and if at any Time no Adjournment, or no Notice of an adjourned Meeting shall be made or given as aforesaid, then it shall and may be lawful for any Five or more of the said Commissioners, although not assembled at a Meeting under this Act, or for the Clerk or Clerks to the said Commissioners, being directed or authorized by an Order in Writing signed by any Five of the said Commissioners, to call a Meeting of the said Commissioners by Notice in Writing to be affixed on the outer Door of the principal Entrance of the Chapel of *Saint Hilda* aforesaid, Seven Days at least before such intended Meeting, appointing the Commissioners to meet on the Day to be named in such Notice; and all Matters and Things which shall be done and transacted at any Meeting which shall be held in pursuance of such Notice shall be as valid and effectual as if the same had been done at any other Meeting held by virtue of this Act.

Special Meetings.

X. Provided always, and be it further enacted, That if after any Adjournment of any Meeting by the said Commissioners, or by their Clerk or Clerks as aforesaid, it shall at any Time be considered necessary that a Special Meeting should be appointed for an earlier Day than the Day for which any Meeting shall stand by Adjournment as aforesaid, then it shall be lawful for any Five or more of the said Commissioners, although not assembled at a Meeting under this Act, or for such Clerk or Clerks, being authorized by an Order in Writing signed by any Five or more of the said Commissioners, to appoint such Special Meeting for such earlier Day, by affixing a Notice in Writing upon the outer Door of the principal Entrance of the Chapel of *Saint Hilda* aforesaid, Three clear Days at the least before the Day to be appointed for such Special Meeting, mentioning the Time and Place and specifying the Purpose of such Special Meeting; and all Acts, Orders, and Proceedings of the said Commissioners at such earlier Meeting, the Purpose of which shall have been specified in such Notice, shall be as valid and effectual to all Intents and Purposes whatsoever as they would have been in case such Commissioners had then met in pursuance of any Adjournment.

Regulations as to Commissioners Meetings.

Chairman to be appointed.

XI. And be it further enacted, That all the Powers and Authorities by this Act granted to or vested in the said Commissioners shall and may from Time to Time be exercised by the major Part of them present at any public Meeting to be holden in pursuance of this Act, such Meeting consisting of not less than Five Commissioners (or such other Number as is by this Act required in particular Cases); and at every such Meeting a Chairman shall be appointed by a Majority of the Commissioners then present; and the said Commissioners shall vote by Ballot, in case the same shall be desired by any Five or more of the Commissioners then and there present, and in case of an equal Number of Votes upon any Occasion (including the Chairman's Vote) the Chairman shall have another and the casting or deciding Vote; and all Acts, Orders, and Proceedings of the said Commissioners made or had at such Meetings shall be entered in the Book or Books of Proceedings, and the Chairman of every such Meeting shall subscribe his Name at the End of the Proceedings at every such Meeting; and it shall be lawful for the Chairman of any Meeting

Meeting of the said Commissioners to be held in pursuance of this Act to administer the Oath or Affirmation by this Act directed to be taken or made and subscribed by Commissioners; and at all Meetings to be held in pursuance of this Act the Commissioners present at such Meetings shall defray and bear their own Expences.

XII. Provided always, and be it further enacted, That no Act or Order of the said Commissioners shall be valid unless the same shall be made at a public Meeting or Meetings to be held by virtue of this Act, and signed by the Chairman of the Meeting as herein-before mentioned (except in such Cases as are in this Act specially mentioned or authorized).

No Act valid, unless at a public Meeting.

XIII. Provided also, and be it further enacted, That no Order made by the said Commissioners at any of their Meetings shall be revoked or altered unless at some Meeting to be especially holden for that Purpose, of which Fourteen Days Notice in Writing shall have been given by affixing the same on the outer Door of the principal Entrance of the Chapel of *Saint Hilda* aforesaid, and also unless Five Commissioners or more shall attend at such Meeting to revoke or alter the same; any thing herein-before contained to the contrary thereof notwithstanding.

Manner of revoking and altering Orders.

XIV. And be it further enacted, That the said Commissioners shall cause to be provided proper Books for entering all their Acts, Orders, and Proceedings, and all Rates to be made by virtue of this Act, and for registering all Mortgages and Assignments thereof, and shall cause fair and regular Entries to be made therein, by their Clerk or Clerks for the Time being, of the Names of the Commissioners present at the several Meetings held in pursuance of this Act, and of all Acts, Orders, Rules, Resolutions, Proceedings, Matters, and Things made or done in or relative to the Execution of this Act, and of the Nomination or Appointment of all Officers and other Persons to be appointed by virtue of this Act to act in the Execution thereof, and of all Contracts to be made by or with any Person or Persons by virtue or in pursuance of this Act; and all Entries in the Books of such Proceedings, being signed as herein-before mentioned, shall be deemed Originals, and shall be admitted in Evidence in all Courts, and by all Judges, Justices, and others; and such Books shall be kept by the Clerk or Clerks for the Time being to the said Commissioners, or by such other Person or Persons and at such Place or Places as the said Commissioners shall direct; and the same shall respectively at all convenient and reasonable Times, without Fee or Reward, be open and liable to the Inspection of each and every or any of the said Commissioners, and of all and every Person and Persons rated and assessed for the Purposes of this Act, or otherwise affected thereby.

Proceedings to be entered in Books.

XV. And be it further enacted, That the said Commissioners shall and they are hereby required to order and direct a Book or Books to be provided and kept by their Clerk or Clerks for the Time being, in which Book or Books such Clerk or Clerks shall enter or cause to be entered true and regular Accounts of all Sums of Money received,

Books to be kept of Receipts and Disbursements;

paid,

and to be  
open to In-  
spection.

paid, laid out, and expended in the Execution of this Act, and the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid; which Book or Books shall at all reasonable Times be open to the Inspection of the said Commissioners, or any Creditor or Creditors on the Rates hereby authorized to be made, without Fee or Reward; and the said Commissioners and Creditors shall and may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any thing for the same; and in case the Clerk or Clerks for the Time being to the said Commissioners, or other Person or Persons with whom any Books or Accounts or Papers belonging to the said Commissioners shall have been deposited, shall, on any reasonable Demand, refuse to permit or shall not permit any of the said Commissioners or Creditors to inspect such Books, Accounts, or Papers, or to take Copies thereof or Extracts therefrom, as in this Act mentioned, such Clerk or Clerks or other Person or Persons shall forfeit and pay any Sum of Money not exceeding Five Pounds.

Annual  
Meetings for  
auditing  
Accounts, &c.

XVI. And be it further enacted, That at a Meeting of the said Commissioners, which shall be held on the Second *Tuesday* in the Month of *July* yearly, at the Place herein-before mentioned, or at any other Place to be appointed as aforesaid, the Accounts of all Monies to be received and paid from Time to Time by virtue or in execution of this Act, by any Person or Persons whomsoever, shall be produced and stated to and audited and settled by the said Commissioners.

For appoint-  
ing Officers.

XVII. And be it further enacted, That the said Commissioners shall or may and they are hereby authorized and empowered from Time to Time to elect and appoint a Treasurer and Clerk or Clerks, and also an Assessor or Assessors, Collector or Collectors, Receiver or Receivers of the Monies to be raised and paid under or by virtue of this Act, and also Surveyors, Scavengers, Rakers, Cleansers, Lighters of Lamps, and such other Officers or Persons as the said Commissioners shall think proper for carrying this Act into execution, and also shall and may from Time to Time remove and displace them or any of them, and appoint others in the Room of those removed, and, out of the Monies to be raised by virtue of this Act, also shall and may pay such Salaries, Wages, or Allowances to the said Officers and other Persons as the said Commissioners shall think reasonable; and the said Commissioners shall and they are hereby authorized, directed, and required to take sufficient Security from every such Treasurer and Collector for the due and faithful Execution of his Office, and may also take such Security from any other Officer as they shall think reasonable; which Security or Securities shall or may be taken either in the Name of the Clerk or Clerks to the Commissioners, or in the Name of any Three or more of the said Commissioners for the Time being.

Treasurer,  
&c. to give  
Security.

For appoint-  
ing tempo-  
rary Officers.

XVIII. Provided always, and be it further enacted, That as often as any Collector or Receiver of the Monies to be raised by virtue of this Act shall die, or become incapable of acting in the Execution of this



this Act, or neglect to perform his Duty therein, it shall be lawful for the said Commissioners, or any Five or more of them, although not assembled at a Meeting to be held pursuant to this Act, by any Writing under their Hands, to appoint another Person to be Collector or Receiver thereof until a Collector or Receiver shall be appointed by the said Commissioners at a Meeting to be holden in pursuance of this Act, any thing herein contained to the contrary notwithstanding; and such temporary Collector or Receiver shall be subject to all the Provisions of this Act in the same Manner as if he had been appointed by the Commissioners at a Meeting in pursuance of this Act.

XIX. Provided always, and be it further enacted, That if any Clerk or Clerks, Treasurer or Treasurers, or other Officer or Officers employed by the said Commissioners for the Purposes of this Act, shall exact, demand, take, or accept any Fee, Emolument, or Reward whatsoever, other than such Salary or Allowance as shall be appointed and allowed by the said Commissioners, for or on account of any thing done by virtue of this Act, or for forbearing to do any thing ordered or directed by the said Commissioners, or on any other Account whatsoever relative to his or their Employment or Duty, or shall be concerned or interested in any Bargain or Contract made by the said Commissioners for the Purposes of this Act, every such Person so offending shall be incapable afterwards of serving or being employed under the said Commissioners, and shall forfeit and pay the Sum of Ten Pounds for every such Offence.

Penalty on Officers taking any Fee or Reward.

XX. And be it further enacted, That all such Officers so to be appointed as aforesaid shall, under their Hands, (at such Time and Times and in such Manner as the said Commissioners shall direct,) deliver to the said Commissioners, or to such Person or Persons as they shall appoint, true and perfect Accounts in Writing of all Matters and Things committed to their Charge, and of all Monies which shall have been received by such Officers and other Persons respectively by virtue or for the Purposes of this Act, specifying how much thereof hath been paid and disbursed, and for what Purposes, and shall also produce and deliver the Vouchers and Receipts for such Payments, and shall also pay all such Money as shall remain in their Hands, or be due from them respectively upon such Accounts, to the said Commissioners, or to such Person or Persons as they shall appoint; and if any such Officer or Person shall, for the Space of Ten Days next after Notice in Writing from any Three or more of the said Commissioners requiring him so to do, (to be given to or left at the last or usual Place of Abode of such Officer or Person,) refuse or wilfully neglect to make and render such Accounts, or to produce or deliver up the Vouchers relating to the same, or to make Payment as aforesaid, or shall refuse or neglect to deliver to the said Commissioners, or to such Person or Persons as they shall appoint, all Books, Papers, Writings, and Effects belonging to the said Commissioners in his Custody or Power, or to give sufficient Information to the said Commissioners respecting the same, it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, to commence or cause to be commenced, in any of His Majesty's

Officers compelled to account.

Courts of Record at *Westminster*, an Action or Actions against the Officer or Person making such Default as aforesaid, for the Recovery of the Monies which shall be in the Hands of such Officer or Person so refusing or making Default as aforesaid, and to recover the same with full Costs of Suit; or it shall and may be lawful for the said Commissioners, or any Person or Persons whom they shall appoint for that Purpose, to make Complaint to any Justice of the Peace, and such Justice may and he is hereby authorized and empowered, by a Warrant under his Hand and Seal, to summon the Officer or Person so refusing or making Default as aforesaid to appear before him, and upon his Appearance, or having been summoned and not appearing (except from some reasonable Cause to be allowed by such Justice), to hear and determine the Matter in a summary Way; and if upon the Confession of the Party, or by the Testimony of any credible Witness upon Oath or Affirmation, it shall appear to such Justice that any of the Money which shall have been collected or raised by virtue of this Act shall be in the Hands of such Officer or Person, or shall be unaccounted for by him, such Justice may and he is hereby authorized and required, upon Nonpayment thereof, by Warrant under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Person, together with the Costs and Charges of making such Complaint and of making such Distress and Sale; and if no Goods or Chattels of such Officer or Person can be found sufficient to answer and satisfy the said Money and the Charges as aforesaid, or if it shall appear and be proved to the said Justice, after such Summons as aforesaid, that such Officer or Person shall have refused or wilfully neglected to render or give such Account, or to produce and deliver the Vouchers relating thereto, or that any Books, Papers, Writings, or Effects belonging to the said Commissioners shall be retained in the Custody or Power of such Officer or Person, and that he hath refused or wilfully neglected to deliver up or give Satisfaction respecting the same as aforesaid, then and in either or any of the said Cases, such Justice shall commit such Offender to any Common Gaol or House of Correction in or for the County, Town, or Place where such Offender shall be or reside, there to remain without Bail or Mainprize until he shall have made and given a true and perfect Payment and Account as aforesaid, or until he shall have compounded with the said Commissioners for such Money, and shall have paid such Composition in such Manner as they shall appoint, (which Composition the said Commissioners are hereby empowered to make and receive,) or until he shall have delivered up such Books, Papers, Writings, and Effects as aforesaid, or have given Satisfaction in respect thereof to the said Commissioners: Provided always, that no Person who shall be committed by virtue of this Act on account of his not having sufficient Goods or Chattels shall be detained in Prison on that Account for any longer Term than Six Calendar Months: Provided also, that if any Money shall be due from such Officer or Person, his Commitment to Prison as aforesaid shall not (without the Consent of the said Commissioners) be deemed a Discharge for the same, nor exonerate the Surety or Sureties for such Officer or Person, but such Officer or Person and his Surety or Sureties shall remain liable to the Payment thereof in the same

Manner as if such Officer or Person had not been committed to Prison.

XXI. Provided always, and be it further enacted, That it shall not be lawful for the said Commissioners to appoint any Person who may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk or any Person in the Service or Employ of any such Clerk, or the Clerk or any Person in the Service or Employ of the Partner of any such Clerk, to be the Treasurer for the Purposes of this Act, or to appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or any Person in the Service or Employ of any such Treasurer, or the Clerk or any Person in the Service or Employ of the Partner of any such Treasurer, to be the Clerk to the said Commissioners; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk, or the Clerk or any Person in the Service or Employ of any such Clerk, or the Clerk or any Person in the Service or Employ of the Partner of any such Clerk, shall accept the Office of Treasurer, or shall act as Deputy of such Treasurer, or in any Manner officiate for such Treasurer, or being the Partner of any such Treasurer, or the Clerk or any Person in the Service or Employ of any such Treasurer, or the Clerk or any Person in the Service or Employ of the Partner of any such Treasurer, shall accept the Office of Clerk in the Execution of this Act, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk in the Execution of this Act, or if any such Treasurer shall hold any Place or Office of Profit or Trust under the said Commissioners other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered with full Costs of Suit in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, or Information, wherein no Essoign, Protection, or Wager of Law, nor than One Imparlance, shall be allowed.

Clerk not to act as Treasurer, and vice versâ.

XXII. And be it further enacted, That the said Commissioners may sue and be sued for or concerning any thing which shall be done by virtue or in pursuance of this Act, or for or concerning any Matter or Thing relating or incident to the obtaining and passing of this Act, in the Name or Names of their Clerk or Clerks for the Time being, or in the Name of any One or more of the said Commissioners; and no Action or Suit to be so brought or commenced by or against the said Clerk or Clerks, or Commissioner or Commissioners shall abate or be discontinued by his or their Death, Removal, or Default, but shall be continued and carried on in his or their Name or Names; and such Clerk or Clerks or Commissioner or Commissioners shall be deemed Plaintiff or Defendant or Plaintiffs or Defendants in such Action or Suit (as the Case may require): Provided always, that any such Clerk or Clerks, or Commissioner or Commissioners in whose Name or Names any Action or Suit shall be commenced, prosecuted, or defended in consequence of this Act, shall not, by reason of his or their being such Clerk or Clerks or Commissioner

Commissioners may sue or be sued in the Name of their Clerk or of any Commissioner.

Commissioner or Commissioners, be rendered incompetent or inadmissible as a Witness or Witnesses in any such Action or Suit as aforesaid, unless such Clerk or Clerks or Commissioner or Commissioners shall be personally or individually interested or concerned therein.

Commis-  
sioners may  
make Con-  
tracts.

XXIII. And be it further enacted, That it shall and may be lawful for the said Commissioners, and they are hereby authorized and empowered, from Time to Time to contract and agree with any Company, or Body Politic or Corporate, for lighting all or any of the Streets, Lanes, and other public Passages and Places within the Limits of this Act, with Oil or Gas or Inflammable Air; and also to contract and agree with any Person or Persons they may think proper for the paving, flagging, widening, altering, amending, and improving of the Carriageways and Footpaths, and for lighting with Oil or Gas or Inflammable Air, and for draining, sweeping, cleansing, and watering, the said Streets, Lanes, and other public Passages and Places, or any of them, within the Limits of this Act, and for the performing any of the Works hereby authorized; which Contract or Contracts so to be entered into shall be reduced into Writing and signed by the Clerk or Clerks to the said Commissioners, and sealed or signed, as the Case shall require, by the Parties or Persons contracting to perform such Works, and shall specify the several Works to be done, and the Prices to be paid for the same, and the Time or Times when such Works shall be done and completed, and the Penalties to be suffered in case of Nonperformance thereof; which Contract or Contracts shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Clerks to the said Commissioners: Provided always, that Fourteen Days Notice at least shall be given previous to the Meeting for entering into such Contract by Writing to be affixed on the outer Door of the principal Entrance of the Chapel of *Saint Hilda* aforesaid, and in such other Manner as the said Commissioners shall direct, in which Notice shall be specified the Works and Business to be contracted for at such Meeting, to the end that Persons may tender Proposals for such Contracts at a certain Time and Place in such Notice to be mentioned; and the said Commissioners shall and they are hereby required to take Security from every such Contractor for the due Performance of his, her, or their Contract; and it shall also be lawful for the said Commissioners, and they are hereby also directed, to cause the Works to be done in pursuance of such Contracts to be inspected by such Person or Persons as they shall from Time to Time appoint; and in case the same shall not be well and sufficiently performed, according to the true Intent and Meaning of such Contract or Contracts, or shall not be finished and completed at or within the Time or Times to be by such Contract or Contracts limited for completing the same, the said Commissioners shall and may bring or order to be brought any Action or Actions at Law, or Suit or Suits in Equity, against any Person or Persons so contracting and neglecting to perform such Contract or Contracts, or for any Injury suffered or sustained on account of the Nonperformance thereof; and upon proving the signing of the Contract or Contracts, and Nonperformance thereof, the said Commissioners shall be entitled to and shall recover such  
Penalty

Penalty or Damage as may be awarded, with full Costs of Suit: Provided always, that it shall be lawful for the said Commissioners from Time to Time and at all Times thereafter to compound and agree with any Person or Persons against whom the said Commissioners shall bring or cause to be brought any Action or Actions, Suit or Suits, for any Penalty or Penalties contained in any Contract or Contracts hereafter to be made or entered into in pursuance of this Act, on account of any Breach or Nonperformance of any such Contract or Contracts, for such Sum or Sums of Money as they shall think proper, so as the Sums compounded and agreed for be not less than the Injury sustained by the Breach or Nonperformance of such Contract or Contracts, and all such Costs, Charges, and Expences as shall have been or be occasioned thereby.

Commis-  
sioners may  
compound  
for Breach of  
Contracts.

XXIV. And be it further enacted, That nothing in this Act, or in any Deed, Mortgage, Contract, or Agreement by this Act authorized to be entered into or made by or on the Behalf of the said Commissioners, for any of the Purposes or in the Execution of this Act, shall extend to charge or affect the Person or Persons of any of the said Commissioners, or their Clerk or Clerks, Treasurers, or other Officers authorized by the said Commissioners in their Behalf, executing any such Deed, Mortgage, Contract, or Agreement, or the Heirs, Executors, or Administrators of any such Commissioners, Clerk, Treasurer, or other Officer, or their or any of their own proper Lands, Tenements, or Hereditaments, Goods, Chattels, Effects, or Property, with or for the Performance of all or any of the Covenants, Conditions, Provisoes, Stipulations, Matters, or Things in the same Deeds, Mortgages, Contracts, or Agreements contained or mentioned on the Part of any such Commissioner, Clerk, Treasurer, or other Officer; but the Amount of all Damages, Costs, Charges, and Expences which shall or may be recovered in any Action or Actions, Suit or Suits, at Law or in Equity, or in or upon any Arbitration, Reference, Award, or otherwise, against any such Commissioner, Clerk, Treasurer, or other Officer, or against their or any of their Heirs, Executors, or Administrators, for or by reason or means of such Deeds, Mortgage, Contract, or Agreement, or the Covenant, Condition, Proviso, Stipulation, Matter, or Thing therein contained, and also all the Damages, Costs, Charges, and Expences which any such Commissioner, Clerk, Treasurer, or other Officer shall bear, pay, expend, or be put unto, or which shall be occasioned to them, or any or either of them, for or by reason or means of any such Deed, Mortgage, Contract, or Agreement, or any Covenant, Condition, Proviso, Stipulation, Matter, or Thing therein contained, or any Action or Actions, Suit or Suits, Awards or otherwise, to be brought, prosecuted, or made by or against them or any or either of them thereupon, shall respectively be paid, satisfied, and discharged by and out of the Monies to be raised or which shall or may arise or be received by virtue of this Act, unless such Action or Suit, Matter or Thing, shall arise in consequence of their or his own wilful Neglect or Default, or have been brought, commenced, carried on, or done without the Order or Direction of the said Commissioners in Writing; but every such Commissioner, Clerk, Treasurer, and other Officer shall be personally liable for all Acts done by them respectively

Commis-  
sioners not  
personally  
liable.

[*Local.*]

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without

without the Order of the said Commissioners made in pursuance of this Act.

Commis-  
sioners may  
compound  
Actions.

XXV. And be it further enacted, That when and so often as any Action or Information shall be brought against the said Commissioners for any thing done by them in pursuance or by virtue or supposed to be done in pursuance or by virtue of this Act, or when and so often as the said Commissioners shall bring any Action or lay any Information against any Person or Persons for any alleged Grievance done to the said Commissioners as to any Matter respecting this Act, then and in all such Cases it shall be lawful, as well for the said Commissioners as for all and every Person or Persons, to compound such Actions, Suits, or Informations, without bringing the same to Trial.

Property of  
Materials,  
&c. vested  
in Commis-  
sioners.

XXVI. And be it further enacted, That all the present and future Streets, Lanes, and other public Passages and Places, as well Carriageways as Footways, within the Limits of this Act, and the Stones, Gravel, and all Materials of, in, and belonging to all such present and future Carriageways and Footways, and all the present and future public Drains, Ditches, Sewers, Tunnels, Gutters, Grates, and Sinks in and upon the several Streets, Lanes, and other public Passages and Places within the Limits of this Act, and of all other Materials, Implements, Lamps, Lamp Irons, Lamp Posts, Watchboxes, Watchhouses, and all other Matters and Things which shall be provided by the said Commissioners for the Purposes of this Act, and all the Dirt, Dust, Dung, Ashes, and Filth to be swept, gathered, and collected in or from the said Streets, Lanes, and other public Passages and Places aforesaid, shall belong to and be the exclusive Property of and the same are hereby absolutely and exclusively vested in the said Commissioners for the Time being; and the said Commissioners shall be called and known by the Name of "The Commissioners for the Improvement of the Town of *South Shields* in the County of *Durham*;" and they the said Commissioners shall and may and they are hereby authorized to bring or cause to be brought any Action or Actions or to prefer any Bill or Bills of Indictment, as the Case shall require, against any Person or Persons whomsoever who shall steal, take and carry away, detain, spoil, injure, damage, or destroy the several Articles or Things herein-mentioned, and vested in the said Commissioners as aforesaid, or any of them, or any Part or Parts thereof; and in all such Actions and Bills of Indictment respectively it shall be and be deemed and taken to be sufficient to state generally that the Article or Articles, Thing or Things, for or on account of which such Action or Actions shall be brought or Bill or Bills of Indictment preferred, is or are the Property of the Commissioners for the Improvement of the Town of *South Shields* in the County of *Durham*, without particularly stating or specifying the Name or Names of all or any of the said Commissioners; and the said Commissioners shall have full Power and Authority from Time to Time to sell and dispose of for the Purposes of this Act all or any of the said Articles and Things, or any Part or Parts of the same respectively, to such Person or Persons, in such Manner, from Time to Time, as they shall think fit.

XXVII. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and required, from Time to Time and at all Times hereafter, as often as they shall think fit, to cause, order, and direct all or any of the present and future Streets, Lanes, and other public Passages and Places, as well Carriageways as Footways, within the Limits of this Act, to be repaired, made, formed, amended, and sustained in such Manner and with such Materials as the said Commissioners shall think proper; and also from Time to Time to cause the Materials thereof to be taken up and relaid and renewed, and the Ground and Soil thereof to be raised, lowered, or altered, in such Manner and with such Materials as the said Commissioners shall deem proper or direct, so that such raising, lowering, or altering do not injure the Houses or Buildings contiguous thereto; and also from Time to Time to cause any Sewers, Gutters, Drains, or Watercourses to be made into, upon, through, over, along, or under any of the said Streets, Lanes, Passages, or Places, for carrying off Water, Mud, or other Filth from the same; and also to cause any of the present or future Sewers, Gutters, or Watercourses therein to be stopped up, or otherwise opened, enlarged, altered, or cleansed, or the Form or Course thereof to be altered, turned, varied, changed, or diverted, in such Manner as the said Commissioners shall think fit; and also to cause to be taken up and removed all or any Posts, Rails, Pales, Trees, or Fences in such Streets, Lanes, Passages, or Places, or any of them, as the said Commissioners shall consider useless, or a Nuisance or Obstruction to Passengers, Horses, or Carriages, and also to erect and set up any other Posts, Rails, Pales, or Fences in any other Place or Places therein, as they shall think proper for the better Security or Accommodation of Passengers or Carriages, or for the Protection of the Foot Pavements from Damage by Waggons, Carts, or other Carriages.

Commis-  
sioners to  
repair the  
Streets, &c.

XXVIII. And be it further enacted, That from and after the Commencement of this Act all and every Persons and Person who shall be assessed under or by virtue of this Act for or in respect of any Messuages, Lands, Tenements, or Hereditaments within the Limits of this Act, shall be, and they, he, and she are and is hereby exonerated, released, and for ever discharged from the Performance of Statute Duty for the Repairs of the public Highways, not only within the said Limits, but also in any other Part or Parts of the Township or Place without the said Limits wherein the said Messuages, Lands, Tenements, or Hereditaments are situate, and from the Payment of any Composition Money in lieu of such Statute Duty, and from all Rates and Assessments for the Repairs of the said Highways, as well within as without the said Limits as aforesaid, for or in respect of such Messuages, Lands, Tenements, or Hereditaments: Provided always, that in case the Monies by this Act authorized to be raised shall at any Time be insufficient for the Repair of the Highways within the Limits of this Act, and in case the said Highways, or any or either of them, shall be out of Repair, and any Indictment shall thereupon ensue, and any Fine shall thereupon be imposed upon the said Commissioners, then and in every such Case it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, to raise and

Persons as-  
sessed under  
this Act to be  
exonerated  
from Statute  
Duty and  
Highway  
Rates.

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levy by the same Ways and Means as any Rate may be raised and levied by virtue of this Act, on the Tenants and Occupiers of all Lands, Tenements, and Hereditaments liable to be assessed towards the Repairs of the said Highways, at such Time or Times and in such Proportions as they shall think proper, such a sufficient Sum of Money as will put the said Highways in repair, and pay and discharge any such Fine.

Roads within the Limits of this Act to be discontinued as Turnpike.

XXIX. And be it further enacted, That from and after the Commencement of this Act so much and such Part of the Turnpike Roads passing into or through the said Town of *South Shields* as lies within the Limits of this Act, on both Sides whereof Houses now are or hereafter shall be erected or built, shall cease to be Part of such Turnpike Roads, and the Trustees of such Turnpike Roads shall not contribute towards the Repairs thereof.

Indictments may be brought in Name of the Clerk or of a Commissioner.

XXX. Provided also, and be it further enacted, That all Indictments and other Processes of Law which may be brought for or on account of the Repair or Nonrepair of the Streets, Lanes, and other public Passages or Places within the Limits of this Act, shall and may be brought against the said Commissioners, or their Clerk or Clerks, or any One or more of the said Commissioners, and being so brought shall be good, valid, and effectual to all Intents and Purposes whatsoever.

Power to dig Gravel and get Materials.

XXXI. And be it further enacted, That the said Commissioners or their Surveyors, or such other Person or Persons as they shall employ or appoint, having an Order in Writing under the Hands of the said Commissioners, or any Five or more of them, for that Purpose, may and is and are hereby empowered to search for, dig, gather, take and carry away any Stones, (Flag Stones, Curb Stones, and Stones in use excepted,) Gravel, Earth, Sand, or other Materials proper for the paving, raising, repairing, or improving of the said Streets, Lanes, and other public Passages or Places within the Limits of this Act, out of and from the Sea Beach or Shore, or any Waste Ground or Common in any Parish, Township, or Place adjoining to the said Town of *South Shields*, without making any Compensation for the same: Provided always, that no such Materials as aforesaid shall be dug up, gotten, or taken away from any Place within the Distance of One hundred Yards from any Bridge, Mill, Mill Weir, or Dam, nor so as to injure any Building or Highway, on any Account or Pretence whatsoever.

Penalty on taking away Materials provided for Roads.

XXXII. And be it further enacted, That if any Person or Persons shall remove or take away any Stones, Gravel, Earth, Sand, or other Materials laid upon or near such Streets, Lanes, or other public Passages or Places, or any Part thereof, without the Order of the said Commissioners for that Purpose, or if any Person or Persons shall take away any Stones, Gravel, Earth, Sand, or other Materials which have been dug, got, or gathered by or by Order of the said Commissioners out of or from such Sea Beach or Shore, Waste Ground or Common as aforesaid, for the Purpose of amending or repairing such Streets, Lanes, or other public Passages or Places, or any Part or Parts thereof, or shall get or take away any Stones, Gravel, Earth, Sand,  
or



or other Materials out of any Pit or Quarry which shall have been made for the Purpose of getting such Materials, before the said Commissioners, or their Surveyor or Surveyors or Workmen, shall have discontinued working therein for the Space of Six Weeks, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

XXXIII. And be it further enacted, That no Person or Persons shall at any Time make, or cause or suffer to be made, any Alteration in the Form of any present or future Pavement or Pitching of the Foot or Carriageway within the Limits of this Act, before, behind, or at the Side of his, her, or their House or Houses, Building or Buildings, Ground or Land, without the Licence and Consent in Writing of the said Commissioners, at some Meeting or Meetings under this Act, first had and obtained for that Purpose, in which Licence and Consent shall be specified in what Manner and Form, of what Extent and Dimensions, at what Time and Place, and with what Materials such Alterations shall be made; and where such Alteration shall be made with such Licence and Consent as aforesaid, the same shall from Time to Time be accomplished at the Expence of the Person or Persons to whom such Licence and Consent shall be granted, or the Owner of such Premises for the Time being; and in case any Person or Persons to whom any Licence and Consent as aforesaid shall be granted shall cause or suffer such Alterations to be made in any respect contrary to the Tenor thereof or the Directions therein contained, then and in every such Case the said Commissioners may and they are hereby authorized to cause such Paving or Pitching so altered to be removed or otherwise altered or arranged as they shall direct or think proper; and the Charges and Expences attending the same shall be repaid to the said Commissioners by the Person or Persons to whom such Licence and Consent shall be granted, or the Owner or Occupier of such Premises for the Time being; and in case of Non-payment thereof within Seven Days after Demand made by the said Commissioners, or their Clerk or Clerks, Surveyor or Surveyors for the Time being, the said Commissioners shall and may, by Warrant under the Hand and Seal of any Justice of the Peace, (who is hereby authorized and empowered to issue the same,) cause such Charges and Expences as aforesaid to be levied by Distress and Sale of the Goods and Chattels of such Defaulter or Defaulters, together with the Costs of such Distress and Sale; but if no Goods and Chattels of such Defaulter or Defaulters of sufficient Value can be found whereon to make such Distress, the said Justice shall and may commit such Defaulter or Defaulters to the Common Gaol or House of Correction of the said County of *Durham* for any Time not exceeding Three Calendar Months, unless the said Charges and Expences and Costs shall be sooner paid.

No Alteration to be made in the Form of the Pavement, without the Consent of the Commissioners.

XXXIV. And be it further enacted, That it shall and may be lawful to and for the said Commissioners to light or cause to be lighted the several Streets, Lanes, and other public Passages and Places within the Limits of this Act, or such of them as they shall think proper, either with Oil Lamps or by means of Gas or Inflammable Air, as the said Commissioners shall think proper; and in case it shall be

Commissioners empowered to cause Streets, &c. to be lighted with Oil or Gas.

[*Local.*]

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determined

determined to light all or any of the said Streets, Lanes, public Passages and Places within the aforesaid Limits with Gas or Inflammable Air, then it shall be lawful for the said Commissioners to break up or authorize to be broken up the Soil and Pavement of any of the Footways or Carriageways of any such public Streets, Lanes, and other public Passages and Places, and permit to be dug, sunk, and constructed and placed any Trenches, Mains, and Pipes, and Stopcocks, Plugs, or Branches, and all other Works and Machinery to be laid down and made by any Company or Companies of Proprietors or other Person or Persons with whom the said Commissioners may contract for the Conveyance of the said Gas or Inflammable Air for the Purpose of lighting the several Streets, Lanes, and other public Passages and Places within the Limits of this Act, or any Part or Parts thereof, and from Time to Time to permit and suffer such Pipes, Stopcocks, Plugs, or Branches, Works and Machinery, to be altered, varied, and repaired.

Commis-  
sioners may  
erect Appara-  
tus to make  
Gas them-  
selves.

XXXV. Provided always, and be it further enacted, That it shall and may be lawful to and for the said Commissioners to light the said Streets, Lanes, public Passages and Places within the Limits of this Act with Gas or Inflammable Air, (without contracting for the same,) and for that Purpose to erect or cause to be erected Gasometers, Cisterns, Pillars, and all the other necessary Apparatus to produce, conduct, supply, and receive such Gas or Inflammable Air, in such Manner as they shall think expedient and necessary, and for that Purpose to take or rent from any Person or Persons any Building or Buildings, Erection or Erections, Lands, Tenements, or Hereditaments within the aforesaid Limits, (who shall be willing to let the same,) or to purchase of any Person or Persons any Building or Buildings, Erection or Erections, Lands, Tenements, and Hereditaments within the Limits of this Act, not exceeding One Acre, (who shall be willing to sell or dispose of the same,) to erect and make such suitable Buildings thereon for the manufacturing of Gas or Inflammable Air as aforesaid.

Commis-  
sioners to  
make and  
use Gas  
Works, under  
Advice of  
some Person  
skilled in such  
Works.

XXXVI. Provided always, and be it further enacted, That for the greater Security against Accidents by such Gas Works the said Commissioners, and all other Person or Persons with whom they may contract, are hereby directed and required to erect or cause to be erected all such Gasometers, Cisterns, Pillars, and all other the necessary Apparatus, and to lay all such Mains, Pipes, Stopcocks, Plugs, Branches, and Machinery as aforesaid, by and with the Advice and under the Direction of One or more Person or Persons properly skilled and experienced in the Nature of such Works; whose Approbation thereof, and particularly as to their Safety, shall be had before the same shall be used for the Purposes of this Act.

Works to be  
inspected  
Twice in  
every Year.

XXXVII. And be it further enacted, That the said Commissioners and the Company or Companies, or Body or Bodies Politic or Corporate, or Person or Persons with whom they shall or may contract for lighting with Gas, shall and they are hereby required to have the said Works inspected, at least Twice in every Year, by One or more such experienced Person or Persons as aforesaid, to see that the same

are in a fit State and properly conducted and managed; and in case of any Error, Want of Repair, Insufficiency, or other Mismanagement being pointed out, to cause the same to be forthwith corrected, amended, and repaired, according to the Opinion of such Person or Persons as aforesaid.

XXXVIII. And be it further enacted, That in case the said Commissioners shall deem it expedient to erect such Gas Apparatus, and to light the said Streets, Lanes, and other public Passages and Places within the Limits of this Act with Gas or Inflammable Air, without contracting for the same as aforesaid, it shall and may be lawful to and for the said Commissioners (after sufficiently lighting the said Streets, Lanes, public Passages and Places as aforesaid,) to let out or grant to any Person or Persons whomsoever who shall be willing to take the same any Light or Lights, or Argand, Cockspur, Batwing, or any other kind of Burner or Burners, and to supply the same with Gas or Inflammable Air upon such Terms and Conditions, and at such annual Rents for the same, and in such Manner, as they the said Commissioners shall from Time to Time think proper: Provided nevertheless, that all Money to proceed therefrom or arise thereby shall be in the first instance applied to defray the Expences of the Gas Apparatus and other Things connected therewith, and if there shall be any Overplus, then the same shall be applied generally for the Purposes of this Act.

Commissioners empowered to let out Gas Lights in case they light the Streets themselves.

XXXIX. And be it further enacted, That in case any Person or Persons who shall contract with the said Commissioners, or otherwise shall agree to take, use, or enjoy the Benefit of the said Gas in their private Dwellings, Shops, Inns, Taverns, or other Buildings or Manufactories, shall refuse or neglect for the Space of Ten Days after Demand to pay the Sum or Sums then due to the said Commissioners, according to the Terms and Stipulations of his, her, or their Contract or Agreement with the said Commissioners, it shall and may be lawful for the said Commissioners, or their Clerk or Clerks for the Time being, or any Person or Persons duly authorized by the said Commissioners, by Warrant under the Hand and Seal of any Justice of the Peace, to cause the said Sum or Sums of Money to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so neglecting or refusing to pay the same, rendering the Overplus (if any) to such Person or Persons, after the said Sum or Sums of Money, together with the Charges incidental to such Distress and Sale, shall have been deducted.

Power for Commissioners to recover Rents for Gas used.

XL. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and empowered, from Time to Time and at any Time after the Commencement of this Act, to purchase and provide such and so many Glass Lamps, Lamp Irons, and Lamp Posts, and all such other Materials and Things for the lighting of such Lamps, either with Gas or Oil, as they shall judge necessary, and to direct the same to be affixed and set up on or against the Walls or Rails of any of the Houses, Tenements, or Buildings, or against any other Walls or Rails, or in any of the Streets, Lanes, public Passages and Places within the Limits of this Act,

Commissioners may provide Lamps, &c.

Act, or in such other Places or in such other Manner as they the said Commissioners shall think proper and convenient, and to cause the same and every of them from Time to Time to be taken down, altered, amended, removed, or renewed when and as often as they the said Commissioners shall think fit; and to cause such Lamps or any of them to be lighted at such Seasons of the Year, on such Evenings, in such Manner, and at such Hours of the Evening, and to be kept burning for so many Hours during the Night, as to them the said Commissioners shall seem necessary or proper.

Commissioners, &c. to repair Damage done to Walls, &c.

XLI. Provided always, and be it further enacted, That if any Injury or Damage shall be occasioned to any Building or Wall, or other Erection, by the affixing, setting up, taking down, altering, or removing any Lamp or any Lamp Iron or other Fastening thereof, the said Commissioners shall immediately cause the said Injury or Damage to be well and sufficiently repaired, and the Expences attending the same shall be paid out of the Money to be raised by virtue of this Act.

Not to fix or continue Gas Pipes without Consent.

XLII. Provided always, and be it further enacted, That nothing herein contained shall authorize or empower the said Commissioners, or any Company or Companies, or Body or Bodies Politic or Corporate, or any Person or Persons whomsoever, to carry, lay, place, or fix any Pipe or Pipes or other Thing for the Conveyance of Gas or Inflammable Air through, over, against, or into any Dwelling House or private Building, or through or into any private Lands, Tenements, or Hereditaments, or so to continue the same; without the special Licence, Consent, and Authority of the Owner and Occupier of every such Dwelling House, Building, Land, Tenement, or Hereditament.

Branch and Service Pipes to be kept charged with Gas.

XLIII. And be it further enacted, That the Branch or Service Pipes which shall be laid or placed for lighting the said Streets, Lanes, or other public Passages and Places, shall be kept fully charged with Gas, and the Stopcocks shall be so turned as not to impede or prevent the said Branch or Service Pipes being completely filled with Gas during the Time the same shall be lighted.

Commissioners and Contractors to prevent the Escape of Gas.

XLIV. And be it further enacted, That whenever any Gas shall be found to escape from any of the Pipes which shall have been laid down or set up by the said Commissioners, or by any Body or Bodies Politic or Corporate, or by any Person or Persons whomsoever, making, furnishing, or supplying any Gas used, burnt, or consumed within the Limits of this Act, the said Commissioners, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid shall, immediately after Notice given to them or any or either of them, either verbally or in Writing, of any such Escape of Gas, by any Inhabitant or Inhabitants within the said Town, or any other Person or Persons whomsoever, cause the most speedy and effectual Measures to be taken to stop and prevent the further Escape of such Gas; and in case the said Commissioners, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid shall not, within Twenty-four Hours next after such Notice given, effectually stop and prevent any further Escape, and wholly and satisfactorily remove the Cause of Complaint, then and in every such Case the said Commissioners, or Body or Bodies

Bodies Politic or Corporate, or other Person or Persons as aforesaid, (as the Case may be,) shall for every such Offence forfeit and pay the Sum of Five Pounds for each Day, after the Expiration of Twenty-four Hours from the Time of giving such Notice, during which the said Gas shall be suffered to escape; which Penalty or Penalties shall from Time to Time be recoverable in a summary Way, on the Oath or Affirmation of any credible Witness or Witnesses, by Information to be laid before some Justice or Justices of the Peace, and shall and may be levied, with all reasonable Charges, by Distress and Sale of the Goods and Chattels of the said Commissioners, or Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid (as the Case may be).

XLV. And be it further enacted, That all and every the Pipes or other Conduits to be laid or used for the Conveyance of Gas in, under, through, along, across, or round the said Streets, Lanes, Passages, or Places, shall be so laid at the greatest practicable Distance, and (whenever the Width of the Carriageway in such Street or Place will allow thereof) at the Distance of Four Feet at least from the nearest Part of any Water Pipe already laid down or hereafter to be laid down for the Conveyance of Water in, under, through, along, across, or round any of the said Streets, Lanes, Passages, or Places; (except in Cases where it shall be unavoidably necessary to lay the said Gas Pipes across any of the said Water Pipes, in which Cases the said Gas Pipes shall be laid over and above the said Water Pipes at the greatest practicable Distance therefrom, and shall form therewith a Right Angle; and in such Cases the said Gas Pipes so crossing the said Water Pipes shall always exceed Nine Feet in Length, in order that no Joint of the said Gas Pipes shall be nearer to any Part of the said Water Pipes than Four Feet at least;) and that in laying down the said Gas Pipes the Party or Person laying the same shall in no Case join Two or more Gas Pipes together previously to their being laid in the Trench, but shall lay each Pipe as near as may be in its Place in the Trench, and shall then in such Trench, and not before, properly form and complete, with proper and sufficient Materials, the Jointing with the other Pipe or Pipes to be connected therewith, and shall also make and keep air-tight all and every such Pipes and all Pipes connected or communicating therewith, and all the Screws, Joints, Inlets, Apertures, or Openings therein respectively, and in all and every respect prevent the said Gas from escaping therefrom, or from any Part thereof, upon pain of forfeiting for every Default the Sum of Fifty Pounds, to be recovered with full Costs of Suit by Action of Debt, Bill, Complaint, or Information, in any of His Majesty's Courts of Record at *Westminster*.

Gas Pipes to be laid at a Distance from Water Pipes.

XLVI. And be it further enacted, That whenever the Water of any Company of Proprietors of Waterworks or other Owners or Proprietors of any Waterworks within the Limits of this Act, or the Water in any Well or Pond belonging to or used by any Party or Person in the said Town, shall be contaminated or affected by any Gas of the said Commissioners, or of any Body or Bodies Politic or Corporate, Company or Companies, or other Person or Persons whomsoever, making, furnishing, or supplying any Gas used, burnt, or consumed within the

Commissioners, &c. to prevent Contamination of Water.

[*Local.*]

10 Q

Limits

Limits of this Act, by or through the Means, Neglect, or Default of the said Commissioners, Body or Bodies, Company or Companies, or other Person or Persons as aforesaid; or by or through any Defect, Failure, or Insufficiency of their Mains, Pipes, Works, or Apparatus, the said Commissioners, Body or Bodies, Company or Companies, or other Person or Persons as aforesaid shall forfeit and pay for every such Offence a Sum not exceeding Twenty Pounds, to be sued for and recovered as any Penalty is hereby directed to be sued for and recovered; and the same shall be applied to and for the Use and Benefit of the said Company of Proprietors or other the Owners or Proprietors of any Waterworks, or Party or Person using such Water and suing for the same; and in case any such Water shall be contaminated or affected by Gas by or through such Means, Neglect, or Default, Defect, Failure, or Insufficiency as aforesaid; then and in every such Case the said Commissioners, Body or Bodies, Company or Companies, or other Person or Persons as aforesaid shall, within Twenty-four Hours next after Notice thereof in Writing, signed by the Treasurer or by the Clerk for the Time being to any such Company of Proprietors, or by any One or more of the Members of such Company, or by other the Owners or Proprietors of any Waterworks, or by any other Party or Person whomsoever interested in or using such Water, to be left at the usual Office or Place of transacting Business of the said Commissioners, Body or Bodies, or Company or Companies, or at the last or usual Place of Abode of such other Person or Persons as aforesaid, cause Measures to be taken effectually to stop and prevent Gas from escaping from their Works, Mains, or Pipes so contaminating or affecting any such Water; and in case the said Commissioners, Body or Bodies, Company or Companies, or other Person or Persons as aforesaid shall not, within Twenty-four Hours next after each and every such Notice so left as aforesaid, effectually stop and prevent Gas from so escaping, and wholly and satisfactorily remove the Cause of every such Complaint, and prevent all and every such Contamination whereof Notice shall be given as aforesaid; then and in every such Case the said Commissioners, Body or Bodies, Company or Companies, or other Person or Persons as aforesaid shall, on each and every Complaint whereof Notice shall be given as aforesaid, forfeit and pay to such Company of Proprietors or the Owners or Proprietors of any such Waterworks, or other Parties or Persons aforesaid, for the Use and Benefit of the same Proprietors or Owners or Parties or Persons, over and above the before-mentioned Penalty of Twenty Pounds to be recovered as aforesaid, the Sum of Ten Pounds for each and every Day during which any such Water shall be and remain contaminated, tainted, or affected by any such Gas; and in default of Payment thereof as aforesaid, such Penalty or Penalties shall and may be recovered by Information, to be exhibited on the Oath of One credible Witness, by and in the Name of the Treasurer or Clerk for the Time being to such Company of Proprietors, or by and in the Name of any One or more of the Members of such Company, or by other the Owners or Proprietors of any Waterworks, or by any such other Parties or Persons as aforesaid, at the Option of the Parties prosecuting such Information against the said Commissioners, Body or Bodies, Company or Companies, or other Person or Persons as aforesaid, before any Justice of the Peace, with Costs, to be assessed by such Justice,

tice, and to be levied by Distress and Sale of the Goods and Chattels of the said Commissioners, Body or Bodies, Company or Companies, or other Person or Persons as aforesaid, together with the Charges of such Distress and Sale, by Warrant under the Hand and Seal of such Justice, which Warrant such Justice is hereby empowered to grant; and such Penalty or Penalties and Costs when so levied shall be paid to the Treasurer for the Time being to such Company of Proprietors or other the Owners or Proprietors of any Waterworks, or to such other Parties or Persons as aforesaid, for the Use of the same Proprietors or Owners.

XLVII. And whereas it may be or become a Question upon such Complaint as aforesaid, whether the said Water be contaminated or affected by the Gas of the said Commissioners, Body or Bodies, Company or Companies, or other Person or Persons making, furnishing, or supplying any Gas used, burnt, or consumed within the Limits of this Act; be it therefore enacted, That in every such Case it shall and may be lawful for the Owners or Proprietors of any Waterworks to dig to and about and search and examine the Mains, Pipes, Conduits, and Apparatus of the said Commissioners, Body or Bodies, Company or Companies, or other Person or Persons as aforesaid, for the Purpose of ascertaining whether such Contamination proceed from or be occasioned by the Gas of the said Commissioners, Body or Bodies, Company or Companies, or other Person or Persons as aforesaid; and if it shall appear that the said Water has been contaminated by any Escape of Gas of the said Commissioners, Body or Bodies, Company or Companies, or other Person or Persons as aforesaid, the Costs and Expences of the said digging, Search, and Examination, and Repair of the Pavement of the Street or Streets which shall be taken up or disturbed, shall be borne and paid by the said Commissioners, Body or Bodies, Company or Companies, or other Person or Persons as aforesaid; which Costs and Expences shall be ascertained and determined, if necessary, by such Justice as aforesaid, and be recovered in like Manner as any Penalty may be recovered by virtue of this Act: Provided always, that if upon such Examination it shall appear that such Contamination has not arisen from any such Escape of Gas from any of the Mains, Pipes, or Conduits of the said Commissioners, Body or Bodies, Company or Companies, or other Person or Persons as aforesaid, then and in such Case the said Company or other the Owners or Proprietors of any Waterworks, or other Party or Person making Complaint of such Contamination, shall bear and pay all the Costs and Expences of such Examination, Repair, and Search, and shall also make good to the said Commissioners, Body or Bodies, Company or Companies, or other Person or Persons as aforesaid, any Loss, Injury, or Damage which may be occasioned to the said Mains, Pipes, Conduits, or Apparatus of the said Commissioners, Body or Bodies, Company or Companies, or other Person or Persons as aforesaid, in and by such Search and Examination, and also to the Pavement of the said Streets and Places so broken up or disturbed in such Search or Examination; the Amount of such Injury, Loss, or Damage to be ascertained and determined, if necessary, by such Justice or Justices of the Peace as aforesaid.

For ascertaining if the Water be contaminated.

XLVIII. And

Penalty on  
Commissioners or  
Contractors  
suffering  
Liquids  
produced by  
Manufacture  
of Gas to  
flow into any  
Stream, &c.

XLVIII. And be it further enacted, That if the said Commissioners, or any Body or Bodies Politic or Corporate, or Company or Companies, or other Person or Persons whomsoever, making, furnishing, or supplying any Gas used, burnt, or consumed within the Limits of this Act, shall at any Time empty, carry, or convey, or cause or suffer to be emptied, carried, or conveyed, or to run or flow, any Washings or other waste Liquids, Substances or Things whatsoever, which shall be used, made, or produced from the Manufacture of Gas or in the Prosecution of any Gas Works, into any River, Brook, Stream, Reservoir, Aqueduct, Canal, Feeder, Pond, or Springhead or Well, or shall commit or cause to be committed any Annoyance, Act, or Thing whatsoever to the Water contained in any such River, Brook, Stream, Reservoir, Aqueduct, Canal, Feeder, Pond, or Springhead or Well, whereby the said Water shall or may be soiled, damaged, or corrupted; then and in every such Case the said Commissioners, or Body or Bodies Politic or Corporate, or Company or Companies, or such other Person or Persons, as the Case may be, shall forfeit and pay for every such Offence the Sum of Two hundred Pounds, with full Costs of Suit, to any Person or Persons who shall inform or sue for the same in any of His Majesty's Courts of Record at *Westminster* by Action of Debt or on the Case, or by Bill, Plaint, or Information, wherein no Essoign, Protection, Privilege, Wager of Law, or more than One Impar lance, shall be allowed: Provided always, that no such Penalty or Forfeiture shall be recoverable unless the same be sued for within Three Calendar Months after the Time when such Annoyance, Act, and Thing shall have ceased or determined: Provided also, that in addition to the said Penalty or Forfeiture of Two hundred Pounds, (and whether such Penalty shall or shall not be sued for or recovered,) in case any of the said Washings or other waste Liquids, Substances, or Things shall be emptied, drained, conducted, or conveyed, or suffered to run or flow, in manner aforesaid, into any River, Brook or Running Stream, or any Reservoir, Aqueduct, Waterway, Canal, Feeder, Pond, or Springhead or Well, or any such Annoyance, Act, or Thing shall be done or caused to be done as aforesaid, and Notice thereof in Writing shall have been given by any Person or Persons to the said Commissioners, or Body or Bodies Politic or Corporate, or Company or Companies, or such other Person or Persons as aforesaid, and the said Commissioners, or Body or Bodies Politic or Corporate, or Company or Companies, or such other Person or Persons as aforesaid, shall not, within Twenty-four Hours after such Notice, stop and prevent the further Continuance of such of the Causes of Complaint as shall be expressed in such Notice, then and in every such Case the said Commissioners, or the said Body or Bodies Politic or Corporate, or Company or Companies, or such other Person or Persons as aforesaid, shall forfeit and pay the Sum of Twenty Pounds for each Day such Cause or Matter of Complaint shall continue; and any Justice of the Peace, upon Conviction of the Offender or Offenders before him, upon the Oath or Affirmation of any credible Witness, (which Oath or Affirmation the said Justice is hereby authorized and empowered to administer and take,) shall and may, by Warrant under his Hand and Seal, cause the said Penalty or Forfeiture, and also the Costs attending such Conviction, to be levied



levied by Distress and Sale of the Goods and Chattels of such Offender or Offenders; which Penalty, when recovered, shall, at the Discretion of the said Justice, either be paid to the Informer, or to the Person or Persons who, in the Judgment of the said Justice, shall have sustained any Annoyance, Injury, or Damage by any such Cause or Matter of Complaint as aforesaid.

XLIX. Provided always, and be it further enacted, That the Powers and Provisions in this Act contained shall not extend or be construed to extend to protect the said Commissioners, or any Body or Bodies Politic or Corporate, or any Person or Persons whomsoever, making, furnishing or supplying any Gas used, burnt, or consumed within the Limits of this Act, or any of the Servants or Officers or Workmen of the said Commissioners, or of any such Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, from any Indictment or Prosecution for a public or private Nuisance in respect of any Gas Works, or the Means which shall be employed in making such Gas, and using the same, nor from any Action or Actions for any Injury or Damage sustained by reason of any such Gas Works, or the Use of the said Gas, or the Method of lighting therewith, whether such Injury or Damage shall proceed from the Preparation or the Use of the same Gas, or the Method of lighting, or the Carelessness or Want of Skill of any of the Persons employed therein, or from any other Cause whatsoever.

Act not to protect Persons, &c. lighting with Gas from being indicted for a Nuisance.

L. And be it further enacted, That if any Person or Persons shall wilfully break, destroy, remove, thrown down, displace, or otherwise injure or damage any Lamp which shall be erected by the said Commissioners or by any such Contractor or Contractors, or any other Person or Persons at his, her, or their own Expence, for the Purpose of lighting any of the said Streets, Lanes, Passages, or Places, or any Post, Iron, Cover, or Furniture thereof, or any Appurtenances thereto, or shall wilfully extinguish the Light or Lights of or in any such Lamp or Lamps, or molest or prevent the Lighter from either lighting or extinguishing any such Lamp or Lamps, or mischievously relight any of them after the same shall have been extinguished by such Lighter, it shall and may be lawful for any Justice of the Peace and he is hereby authorized, upon Complaint on Oath of any such Offence having been so committed, to issue his Warrant for the Apprehension of such Offender or Offenders; and it shall and may also be lawful for any Person or Persons who shall see such Offence committed to apprehend and secure, without any such Warrant as aforesaid, and also for any other Person or Persons to assist such first-mentioned Person or Persons in apprehending and securing, such Offender or Offenders, and to deliver him, her, or them into the Custody of a Constable or other Peace Officer, in order to be detained in Custody, and conveyed before some Justice of the Peace; and every such Justice before whom such Offender or Offenders shall be brought, either by Warrant or otherwise as aforesaid, shall and he is hereby required to examine upon Oath any Witness or Witnesses who shall appear or be produced to give Evidence touching such Offence; and if the Offender or Offenders shall be thereof lawfully convicted, either on his, her, or their own

Penalty for breaking or damaging Lamps, &c.

[*Local.*]

10 R

Confession,

Confession, or upon such Evidence as aforesaid, then and in every such Case he, she, or they shall for every such Offence respectively forfeit and pay any Sum not exceeding Five Pounds, and shall besides make a full Satisfaction to the said Commissioners or to the Party injured by the Damage so done.

Satisfaction to be made for accidental Injury to Lamps, &c.

LI. And be it further enacted, That if any Person or Persons shall carelessly, negligently, or accidentally break, throw down, destroy, or otherwise injure or damage any such Lamp as aforesaid, or the Post, Iron, Cover, or Furniture thereof respectively, or any Appendage thereto, and shall not upon Demand make Satisfaction for the Damage done, then and in every such Case it shall be lawful for any Justice of the Peace and he is hereby required, upon Complaint thereof, to summon before him the Party or Parties so complained of, and upon his, her, or their Appearance or Default therein, such Justice shall proceed to examine the Cause of such Complaint, and upon Proof thereof, either by Confession of the Party, or the Oath or Affirmation of any credible Witness, shall award and order such Satisfaction to be made by the Parties or Party complained against unto the said Commissioners or the Owner or Owners of such Lamp or Lamps, as to such Justice shall appear just and reasonable; and in case the Sum so awarded shall not be forthwith paid, it shall and may be lawful for such Justice and he is hereby required to cause the same to be levied and recovered in such and the same Manner as any Fine or Penalty is by this Act directed to be levied and recovered before any Justice of the Peace.

Streets to be cleansed and watered.

LII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners and they are hereby required to cause the Streets, Lanes, and public Passages and Places within the Limits of this Act, or such of them as they shall think proper, to be cleansed and watered from Time to Time and at such Times as they shall think proper, and for that Purpose from Time to Time to purchase or hire any Cart or Carts or other Carriage or Carriages, and also any Horse or Horses, and to employ any Person or Persons, for carrying away the Dust, Dung, Manure, Dirt, and Soil thereof, and to do and perform all such Acts, Matters, and Things for cleansing and watering such Streets, Lanes, and public Passages and Places, as they shall think proper.

Reserving a Right to the Inhabitants to dispose of their Ashes.

LIII. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to prevent any of the Inhabitants of the said Town from preserving and keeping any Ashes, Dust, Dirt, Filth, Soil, Dung, or Rubbish within their own respective Houses, Yards, Gardens, or Premises, and disposing of the same for their own Use, so as such Ashes, Dirt, Dust, Filth, Soil, Dung, or Rubbish be not laid down or placed in any of the said Streets, Lanes, Passages, or Places for any longer Time than shall be necessary for the loading and carrying away the same, and so as the same be not put, placed, or kept, or suffered to remain, in any Place (public or private) in the said Town so as to annoy any of the Inhabitants of the said Town; but in case the Person or Persons so reserving such Ashes, Dirt, Dust, Filth, Soil, Dung, or Rubbish,

Rubbish, shall thereby annoy any of the said Inhabitants, and shall not remove the same within the Space of Two Days after Notice in Writing under the Hands of the said Commissioners or any Five or more of them, or of their Clerk, given to him, her, or them, or left at his, her, or their Dwelling House, to remove the same, such Person or Persons shall forfeit and pay any Sum not exceeding Twenty Shillings for every Day such Annoyance shall be permitted to remain next after such Notice given or left as aforesaid.

LIV. Provided always, and be it further enacted, That every Occupier of any House or Tenement within the Limits of this Act shall scrape, sweep, and clean, or cause to be scraped, swept, and cleaned, the Footways and Foot Pavements the whole Length of the Front of their respective Houses or Tenements, dead Walls, vacant Pieces of Ground, and other Hereditaments, and the Channels or Watercourses opposite the same respectively to the full Extent of the said Footways and Foot Pavements before, behind, and on the Side or Sides of the same respectively, previous to the Hour of Nine in the Morning on every *Tuesday* and *Saturday* in every Week, and also on such other Days and at such other Times, if the said Commissioners shall from Time to Time order and require the same to be done oftener than as aforesaid, and shall also cause the Dirt and Soil to arise from all such sweeping and cleansing to be collected and put together, (so as not to obstruct either the Carriage or Footway or the Channel or Watercourse as aforesaid,) in order that the same may be removed by the Scavenger or other Person to be employed for that Purpose, upon pain of forfeiting any Sum not exceeding Twenty Shillings for every Neglect therein.

Pavements to be swept.

LV. And be it further enacted, That it shall be lawful for the said Commissioners during such Time as any of the Streets, Lanes, or other public Passages and Places within the Limits of this Act shall be under Repair, or during the making or repairing of any Sewers or Drains therein, to cause such and so many Bars, Posts, Rails, and Chains, or other Obstruction or Obstructions, to be fixed, set up, and placed across or in any of the said Streets, Lanes, or other public Passages or Places, to prevent the passing of Carriages, Horses, and Cattle whilst such Works and Repairs are in progress, as to the said Commissioners shall seem proper; and if any Person or Persons shall throw down, break, remove, damage, or injure any of the said Bars, Posts, Rails, or Chains, or other Obstructions, without the Authority or Consent of the said Commissioners, every Person so offending shall for every such Offence forfeit and pay the Sum of Five Pounds.

Power to place Bars across the Streets under Repair.

LVI. And be it further enacted, That the said Commissioners shall or may cause to be painted, engraved, or otherwise described, and placed on a conspicuous Part of any One or more House or Houses, Building or Buildings, at or near each End, Corner, or Entrance of every Street, Square, Market Place, Lane, Path, Passage, or public Place within the Limits of this Act, the Name by which such Street, Square, Market Place, Lane, Path, Passage, or public Place now is or shall be called or known; and may also cause every House and Building in the said several Streets, Squares, Market Places,

Names of Streets and Numbers of Houses to be put up.

Places, Lanes, Paths, Passages, and public Places, to be marked and numbered with Figures either on the Door thereof or otherwise, and in such Manner as they shall think most proper for distinguishing the same; and if any Person or Persons shall wilfully destroy, obliterate, deface, remove, or, without the Consent of the said Commissioners for that Purpose first obtained, alter any such Name, Number, or Figures, or any Part thereof, or cause or procure the same to be so done, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Numbers of Houses to be renewed.

LVII. And be it further enacted, That when any such Number or Figures painted or placed on any House or other Building within the Limits of this Act, or on the Door thereof, shall, by Accident, Decay, or otherwise, be defaced or rubbed out, the Occupier or Occupiers of such House or Building shall, upon Notice in Writing being given in that Behalf signed by the Clerk or Clerks or Surveyor of the said Commissioners, cause the same Number or Figures to be painted or placed on such House or other Building, or on the Door thereof, within Ten Days after such Notice; and in case of Neglect or Refusal to comply with such Order, every such Occupier shall forfeit and pay for every such Offence any Sum not exceeding Twenty Shillings:

Water from Roofs of Houses to be carried off by Spouts and other Pipes.

LVIII. And be it further enacted, That the Proprietor or Proprietors or Occupier or Occupiers for the Time being of each House or Building next any Street, Lane, or other public Passage or Place within the Limits of this Act, shall, within Fourteen Days next after Service of any Order or Direction for the Purpose, signed by Five or more of the said Commissioners, on him, her, or them personally, or left at his, her, or their last or usual Place of Abode, put up and place and for ever afterwards keep in repair and condition a Spout or Trough of the whole Length of such House or Building, with a Pipe or Trunk, to be fixed to the Front or Side of such House or Building from the Roof down to the Ground, to carry off or conduct the Water from the Roof of such House or Building in such a Manner that such Water shall pass into the common Channel, and so as not to fall upon or incommode the Persons passing over or along any Footpath; and every Tenant or Occupier at Rack Rent of any such House or other Building who shall put up or place any such Spout, Trough, Pipe, or Trunk, or keep the same in repair, shall be entitled to deduct and retain, out of the Rent payable to the Owner or Proprietor or Owners or Proprietors of such House or Building, so much Money as such Tenant or Occupier shall have expended in putting up or placing or in keeping in repair any such Spout, Trough, Pipe, or Trunk; and the Payment of such Expences by any such Tenant or Occupier shall be a sufficient Discharge for him, her, or them for so much of his, her, or their Rent as the Amount of such Expences shall be equal to, and shall be abated and allowed to him, her, or them by the Owner or Owners or Proprietor or Proprietors of such House or Building out of such Rent; and if any such Proprietor or Proprietors or Occupier or Occupiers shall, for the Space of Fourteen Days after Service as aforesaid of any such Order or Direction, neglect to put up or place or neglect to repair any Spout, Trough,

Trough, Pipe, or Trunk as aforesaid, then and in any and every such Case it shall be lawful for the said Commissioners to cause any such Spout, Trough, Pipe, or Trunk to be put up or placed against any such House or Building at the Expence of the Proprietor or Owner thereof; and in case any such Proprietor or Owner thereof shall refuse to pay such Expences, the same shall and may be levied and recovered by the said Commissioners by the same Ways and Means as the Rates or Assessments by this Act granted may be levied and recovered.

LIX. And be it further enacted, That it shall be lawful for any Two Justices of the Peace, in case of Suspicion of the Existence or Prevalence of Canine Madness in the said Town of *South Shields*, by an Order under their Hands and Seals, to order or authorize any Person or Persons to be named in such Order to destroy all Dogs which shall be found at large in any of the Streets, Lanes, and other public Passages and Places within the Limits of this Act, on the Expiration of Twelve Hours after Notice thereof shall have been given by the Public Crier or Bellman in the said several Streets, Lanes, Passages, and Places, and after a printed Notice shall have been posted up in such several Streets, Lanes, Passages, and Places, by Direction of the said Justices, setting forth the Order of such Justices, and requiring all Persons to confine their Dogs.

Justices may order Destruction of Dogs on Suspicion of Madness.

LX. And be it further enacted, That the said Commissioners may and they are hereby empowered, if they shall think fit and necessary, from Time to Time to appoint a sufficient Number of fit and able-bodied Men to patrol, watch, and guard the Streets, Lanes, and other public Passages and Places within the Limits of this Act, or any Part or Parts thereof, for and during such Periods of the Year as the said Commissioners shall think fit, and to make such Allowances to such Watchmen for their Trouble and Attendance, and to give such Orders and Directions concerning the Manner in which the said Watchmen, shall be armed and stationed for the due and regular Performance of their said Service, as the said Commissioners shall judge proper and expedient, and from Time to Time to remove any of the said Watchmen, and appoint others in their Stead; and it shall be lawful for the said Watchmen so to be appointed as aforesaid, or any of them, and they are hereby respectively authorized, directed, and required, to apprehend and secure in some Place of Safety all Felons, Malefactors, Rogues, Vagabonds, suspicious Persons, Prostitutes, Vagrants, Beggars, Disturbers of the public Peace, and Persons misbehaving themselves during the Time of keeping Watch and Ward, and to carry all such Persons as soon as conveniently may be before some Justice of the Peace for the said County of *Durham*, to be examined and dealt with according to Law.

Power to appoint Watchmen.

LXI. Provided always, and be it further enacted, That all such Watchmen as aforesaid shall, before they begin to act, be approved of and sworn in as Constables by or before any Justice or Justices of the Peace, and act as such by Day as well as by Night while in execution of the Powers and Authorities of this Act, and they are hereby invested with and shall have and enjoy the like Powers and

Watchmen to be sworn as Constables.

[Local.]

10 S

Authorities,

Authorities, Privileges, and Immunities, and shall be subject and liable to such and the like Penalties and Forfeitures, as any Constable or Constables is or are invested with, or have and enjoy, or is or are and shall be subject and liable to by Law.

Watchboxes  
to be pro-  
vided.

LXII. And be it further enacted, That the said Commissioners may from Time to Time set up, place, and fix Boxes against the Sides of Houses, Buildings, and in other Places in the Streets, Lanes, or other public Passages and Places within the Limits of this Act, proper for the Use and Accommodation of Watchmen, in case they shall think proper to appoint Watchmen for the Safety and Protection of the Inhabitants thereof; and in case any Person or Persons shall displace, overturn, damage, or injure such Boxes when so fixed, such Person or Persons shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Power to  
reward  
Watchmen.

LXIII. And be it further enacted, That it shall and may be lawful for the said Commissioners to cause Rewards in Money to be paid, out of the Monies arising by virtue of this Act, to the Watchmen appointed or to be appointed who may be disabled or wounded in the Execution of their Office, as they the said Commissioners shall think reasonable.

Penalty on  
Watchmen  
misconduct-  
ing them-  
selves.

LXIV. And be it further enacted, That if such Watchmen, or any of them, shall not observe, perform, and keep the Orders, Rules, and Regulations which shall be made for the Purposes aforesaid by the said Commissioners, or shall in any Manner neglect their Duty, every Person so offending shall forfeit and pay for every such Neglect or Offence any Sum not exceeding Forty Shillings, and shall, if the Commissioners think proper, be immediately discharged from his Office or Employment.

Penalty on  
Publicans  
harbouring  
Watchmen.

LXV. And be it further enacted, That if any Victualler or Keeper of a Public House shall knowingly and willingly harbour or entertain any Watchman to be employed under or by virtue of this Act, or permit or suffer any such Watchman to remain in such his, her, or their Public House, during any Part of the Time appointed for his being on Duty as aforesaid, every such Victualler or Keeper of a Public House shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Regulations  
as to Night  
Soil.

LXVI. And be it further enacted, That if any Person or Persons shall begin to empty any Privy, or take or carry away any Night Soil, or bring or place any Carts for removing the same, from any House, Building, or Place within the Limits of this Act, before the Hour of Eight in the Night, or shall continue to remove the same after the Hour of Five in the Morning, or shall at any Time negligently spill or put or cast any Night Soil out of any Cart, Tub, or otherwise, in or over any of the said Streets, Lanes, or other public Passages or Places, or in any respect improperly, carelessly, or negligently remove the same, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

LXVII. And

LXVII. And be it further enacted, That from and after the Commencement of this Act if any Person or Persons shall place or put out, or cause or permit to be placed or put out, any Garden or other Pots, (except the same shall be perfectly secured, to the Satisfaction of the said Commissioners or their Surveyor, from falling,) or any other Matter or Thing, from or on the Outside of the Front or any other Part of any House or Houses, Buildings or Premises, over or next unto any Street, Lane, Passage, or Place within the Limits of this Act, and shall not immediately remove all such Matters or Things on being thereunto required by the said Commissioners, or their Surveyor, Inspector, or other Person or Persons employed by them, or, having removed such Matters or Things on being required so to do as aforesaid, shall again be guilty of any such Offence, or shall at any Time leave the Coal Plate or other Covering of or belonging to any Hole or Funnel leading to any Cellar unfastened or without being properly fastened and secured from moving, or shall leave open after Sunrise and before Sunset the Aperture of any Coal or other Cellar, or the Door or Window of or Openings leading into any Area, Cellar, or other under-ground Room or Apartment, without having placed or left a sufficient Fence round the same to warn and prevent Persons passing in the Streets, Lanes, Passages, and Places within the Limits of this Act from falling into such Apertures, Coalholes, Areas, Cellars, or other under-ground Rooms, Apartments, or Openings, or shall leave open after Sunset and before Sunrise the Aperture of any Coal or other Cellar, or the Door or Window of or Opening leading into any Area, Cellar, or other under-ground Room or Apartment, without having sufficiently guarded or protected the same, and placed and left a sufficient Light therein, to warn and prevent Persons passing in the Streets, Lanes, Passages, and Places within the Limits of this Act from falling into such Apertures, Areas, Cellars, or other under-ground Rooms, Apartments, or Openings, then and in every such Case the Person or Persons who shall be guilty of any such Offence shall forfeit and pay any Sum not exceeding Five Pounds.

For preventing dangerous Annoyances.

LXVIII. And be it further enacted, That if any Person or Persons shall, upon any of the Footways or Foot Pavements in any of the Streets, Lanes, Passages, or Places in the said Town, run, draw, drive, haul, drag, or carry any Truck, Wheel Sledge, Wheelbarrow, Handbarrow, Bier, or other Carriage whatsoever, or any Ladder or long Piece of Timber or Iron or Stone, or beat or shake any Carpet; or thereon roll any Cask or Tub further than the Extent of the Premises in the Occupation of the Person or Persons from or to whose House or Building such Cask or Tub shall be rolled for the loading or unloading thereof; or thereon wilfully drive any Cart or Carriage whatsoever; or thereon ride, lead, or drive any Horse or other Beast or Cattle whatsoever; or wilfully permit or suffer any Horse or other Beast or Cattle which such Person may be riding, leading, or driving, to go thereon; or shall tie or fasten any Horse or other Cattle to any House, Wall, Fence, Post, Tree, or other Thing whatsoever, across any of the said Footways or Foot Pavements; or thereon fix or use, without the Consent and Leave of the said Commissioners, any Stall, Tent, Shed, or Standing Place for the Exhibition or Sale of any Goods,

For preventing Nuisances in the Streets.

Goods, Wares, or Merchandize; or fix or use thereon any Block or working Place, or place the same respectively, without such Leave and Consent as aforesaid, so near to any of the said Footways or Foot Pavements as in any Manner to obstruct the passing thereon; or thereon put, place, or lay, and suffer to remain, any Cask, Tub, Pail, Bucket, Stool, Bench, Coals, Ashes, or any other Matter or Thing, so as to cause any Obstruction or Impediment to Passengers; or throw, cast, lay, or sift any Ashes or Coals (except in Time of Frost only, to prevent Accidents); or slide or skate during Frost on any Footway or Foot Pavement; or on the Road or Way in any such Streets, Lanes, Passages or Places; or shall in any other Manner wilfully obstruct the free Passage of any Footway or Footways, or do or cause to be done any Injury, Damage, or Nuisance in or to any public Walk or Walks, or Footpaths or Causeways, or to any Trees, Plantations, Shrubs, Hedges, Posts, Rails, or Fences in or upon or near to the same; or bathe in any Stream or Water adjoining the same; or if any Person or Persons shall, in any Street, Lane, Passage, or Place in the said Town, burn any Cork; or hoop, fire, cleanse, wash, scour, or scald any Cask or Tub; or hew, saw, bore, or cut any Stone, Wood, or Timber; or make or repair or wash or clean any Coach, Chaise, Waggon, Sledge, or other Carriage, or the Wheel, Body, Springs, or other Part of any Coach, Chaise, Waggon, Sledge, or other Carriage (except such as may want immediate Repair from any sudden Accident on the Spot, such immediate Repair to be done and completed with all convenient Speed); or therein hang out or place, or cause to be hung out or placed, any Linen or Woollen Cloth, or any Article of Wearing Apparel, or any Goods, Wares, or Merchandize whatsoever, or any Fish, Fruit, Vegetables, or Garden Stuff, Butcher's Meat, or other Article, Matter, or Thing, either for Sale or for any other Purpose, at the Outside of any House or Shop, or of any Door, Window, or Balcony; or fix or tie up any Line, Rope, or Cord for any of such last-mentioned Purposes; or draw out to project over the Footways any Awnings or Blinds to any Shop or Building, so as to impede Passengers; or therein shoe, bleed, farry, or kill any Horse or other Beast or Cattle (except in case of Accident); or clean, dress, or exercise, drive or turn loose, any Horse or other Beast; or exhibit or expose any Stallion; or turn loose or suffer to stray any Horse, Mule, Ass, Cattle, Swine, or other Beast; or expose for Sale (except upon the usual Market Days and Fair Days, or in the Place or Places appointed by the said Commissioners,) any Horse, Mule, Ass, Cattle, Swine, or other Beast; or wilfully break, or aid, abet, or assist in wilfully breaking, any Window or Window Pane in or belonging to any Dwelling House or other Building; or kill or slaughter, or scald, singe, dress, or cut up, any Animal either wholly or in part; or cause or permit any Blood or noisome Fluid to run or flow from any Slaughter House, Butcher's Shop, Shambles, or other Place, or any Soap-suds or noisome Fluid to run or flow from any Premises, into the said Streets, Lanes, Passages, or Places, or any of them; or at any Time throw out of any Door, Window, or other Place, into or upon any of the said Streets, Lanes, Passages, or Places, any Filth or other noisome or offensive Matter or Thing, or any Water; or stop up or impede the Course or Passage of any common Sewer, Drain, Ditch, or Watercourse; or carry, empty, convey, or discharge therein



therein any Filth, Rubbish, or offensive or noisome Matter or Thing ; or permit or suffer any Mastiff or Bulldog or any other dangerous Animal to go at large without being safely or securely muzzled ; or suffer or permit any Dog whatever to go at large in any of the said Streets, Lanes, Passages, or Places, after any public Notice given by the public Crier or Bellman by Order of any Justice or Justices of the Peace, during such Time as such Notice shall direct Dogs to be confined on account of any Suspicion of Hydrophobia or canine Madness ; or therein drive any Cart, Waggon, or other Carriage, without holding the Reins for the Guidance thereof in his or her Hands, or not keep his Left Side of the Street, Road, or Way, or not readily and promptly turn out of the Road or Way on meeting any Horses, Coaches, Waggon, Carts, or other Carriages, so as to leave proper and sufficient Quarter for such Horses and Carriages, or (being the hindermost of Two or more Coaches, Waggon, Carts, or other Carriages travelling in the same Course or Direction,) attempt to pass the foremost Coach, Waggon, Cart, or other Carriage, so as to impede or obstruct the Passage of any Coach or other such Carriage, or any Horse or Horses, coming from the opposite Direction, and being on their proper or Left Side of the Street, Road, or Way, or by any other Means needlessly obstruct the Passage so as not to leave proper and sufficient Room for other Horses and Carriages ; or ride any Horse or Beast furiously, or drive any sort of Carriage whatsoever furiously, so as to endanger or excite a reasonable Apprehension of Danger to the Life or Limb of any other Person, or do any Injury to public or private Property by furious or negligent riding or driving ; or drag or cause to be dragged any Timber, Stone, or other heavy Substance, otherwise than on Wheels or Wheel Carriages ; or suffer any Timber, Stone, or other heavy Substance, which shall be carried principally or in part on Wheels or Wheel Carriages, to drag or trail upon the Street, Pavement, or Way, to the Prejudice thereof ; or in any Manner whatever wilfully hinder, obstruct, or prevent the free Passage in any of the said Streets, Lanes, Passages, or Places, by placing therein any Timber, Wood, Stone, or other Matter or Thing, or any unloaded Carriage of any sort or kind soever, or by tying up any Horse or Animal at the Side or Sides of the said Streets, Lanes, Passages, or Places, or by any other Means whatsoever, or assist in so doing ; or fire any Blunderbuss, Musket, Gun, Pistol, or other Fire-arms (except in case of Necessity) ; or make or cause to be made or assist in the making of any Bonfire or Fire ; or tie up or exhibit with Intent to burn any Effigy ; or throw or let off any Cracker, Squib, Rocket, Fireball, or other Firework ; or fly any Kite, or trundle any Hoop, or play at Football or any other Game, to the Annoyance of any Inhabitant or Passenger ; or indecently expose his or their Person or Persons, or be drunk, or excite or join in any Brawl, or otherwise disturb the public Peace ; or sell or assist in selling by Auction, Outcry, or Blast of Horn, without the Leave of the said Commissioners, any Cattle, Goods, Chattels, Wares, Merchandize, or other Matters or Things whatsoever ; or throw, cast, lay, strew, scatter, or place any Fruit, Herbs, Refuse of Fruit, or Garden Stuff, Fish, Offal, Filth, Night Soil, Manure, Soot, Ashes, or Rubbish, or any Lime ; or slake or sift or skreen any Lime, or wet, mix, or make any Mortar ; or bait or cause to be baited any Bull,  
 [Local.]  10 T  Bear,

Bear, or other Animal; or throw at any Cock or other Fowl; or set up any Cock or other Fowl to be thrown at; or throw or cast any Animal or Carcase, or any Offal, Filth, or offensive Matter or Thing, into any Stream or Water, or any public or private Well, Pump, Pool, or Reservoir for Water; or wilfully fire or set on fire any Chimney within the Limits of this Act; or if any Person or Persons whomsoever, driving or having the Care or Management of any Waggon, Cart, Caravan, Stage Coach, Chaise, Gig, or any other Carriage or Vehicle of any sort or kind whatsoever, shall suffer the same to remain or continue standing in any of the said Streets, Lanes, Passages, or Places longer than shall be actually necessary for the loading or unloading of such Carriage or Vehicle; or if the same shall not during such Time be drawn up as near to the Side of such Street, Lane, Passage, or Place as conveniently may be; or if any Person or Persons driving or having the Care or Management of any such Carriage or Vehicle shall, during the Time the same shall be in motion, withdraw or place himself, herself, or themselves, or otherwise stand or be in such a Situation as not to have the absolute Controul, Power, and Management of the Horse or Horses or other Animal or Animals drawing such Carriage or Vehicle; or if any Blacksmith, Whitesmith, Coachsmith, Nailmaker, Chainmaker, Cutler, or other Person using or working at a Forge, and having a Door or Window fronting the Street, Lane, or Way, shall not, by good and close Doors and Shutters every Evening after Sunset, bar and prevent the Light from such Shop shining into or upon the said Street or Road; or if any Blacksmith shall omit or neglect to rail or guard in front his Shoeing Shed; or if any Hawker, Higler, Showman, Gipse, or other Person or Persons travelling with any Carriage, Vehicle, or Machine, with or without any Horse, Mule, or Ass, shall abide or remain or fix any Tent, Stall, Booth, or Stand in any Street, Lane, Passage, or Place within the Limits of this Act, without the Consent of the said Commissioners, or commit any Obstruction, Disturbance, or Annoyance whatsoever in or upon any Street, Lane, Passage, or Place within the Limits of this Act; every Person offending in any or either of the Cases aforesaid shall for every such Offence forfeit and pay any Sum not exceeding Sixty Shillings; and it shall be lawful for the said Commissioners, or any Officer appointed by virtue of this Act, or for any Constable or Peace Officer, to take away and remove any of the before-mentioned Obstructions in case the Party occasioning the same shall not forthwith remove the same within a reasonable Time after being required so to do by any Person or Persons whomsoever.

Commissioners may purchase Houses, &c.

LXIX. And be it further enacted, That for the Purpose of making the narrow Parts of the Streets, Lanes, and other public Passages and Places safe and commodious for Carriages and Passengers, and for opening proper Communications between any of the said Streets, Lanes, and other public Passages and Places, or any of them, and for stopping up any unnecessary Communications between any of the said Streets, Lanes, and other public Passages or Places, or any of them; and for altering or widening any Road or Roads within the Limits of this Act; or for altering, widening, and improving the present Communications between the said Streets, Lanes, and other public

Passages and Places, or any of them, and for otherwise improving the said Town of *South Shields*, it shall be lawful for the said Commissioners to treat and agree with such Person or Persons, or Body or Bodies Politic or Corporate, Spiritual or Lay respectively, as shall be or be deemed to be Owner or Owners of or interested in any Houses, Buildings, Erections, Projections, Encroachments, Lands, Tenements, or Hereditaments within the Limits of this Act, as they the said Commissioners shall think right and proper to be taken or used for the Purpose of making such Improvement, for the absolute Purchase thereof respectively, or for any Damage to be sustained by the Proprietors thereof in effecting such Improvement: Provided always, that nothing in this Act contained shall authorize or empower the said Commissioners to take or use any House, Building, Yard, Garden, Orchard, Lawn, Shrubbery, or Plantation, without the Consent of the Owner or Proprietor thereof first obtained.

LXX. Provided always nevertheless, and be it further enacted, That before any such Purchase shall be made by the said Commissioners of any such Houses, Buildings, Erections, Lands, Tenements, or Hereditaments as aforesaid within the Limits of this Act, by virtue of this Act, Notice shall be given in One of the Newspapers published at *Durham* or *Newcastle-upon-Tyne* of a Meeting to be holden for the Purpose of considering the Expediency of making any such Purchase or Purchases, Fourteen Days at least previously to any Meeting for the Purpose of determining upon any such Purchase or Purchases.

Notice to be given of Meetings to purchase Houses, &c.

LXXI. And be it further enacted, That in case any House or Building shall be damaged or injured by or in the taking down of any of the Houses or Buildings to be taken down for the Purposes aforesaid, the said Commissioners shall and may and they are hereby required, out of the Money to be raised by virtue of this Act, to make the Owners and Occupiers of such Houses and Buildings so damaged and injured such Compensation and Satisfaction for such Damage as they the said Commissioners shall in their Judgment think reasonable; and in case the Owners or Occupiers shall think the said Satisfaction not sufficient, then the same shall or may be ascertained and settled by any Justice of the Peace for the said County of *Durham*, and shall and may be levied and recovered by Warrant under the Hand and Seal of any such Justice, together with such reasonable Costs and Charges as shall be awarded and allowed by such Justice, by Distress and Sale of the Goods and Chattels of the Treasurer to the said Commissioners, unless such Treasurer shall pay and discharge the same, which he is hereby authorized and empowered to do, out of any Monies received or to be received by him, as such Treasurer as aforesaid, on account of the Rates and Assessments herein-after mentioned.

Satisfaction to be made to Owners of Houses which shall be damaged.

LXXII. And be it further enacted, That it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Spiritual or Lay, and all Tenants for Life or Years, in Fee Simple, or in Fee Tail, General or Special, and all Feoffees in Trust, Husbands, Guardians, Committees for Lunatics and Idiots, Executors and Administrators, and other Trustees whatsoever, not only for and on behalf

Power to Bodies Politic and others to sell.

behalf of themselves and their respective Heirs and Successors, but also for and on behalf of their respective Cestuique Trusts, whether Infants or Issue unborn, Lunatics, Idiots, Femes Covert, and other Persons under any Disability of acting for themselves, who are or shall be seised or interested in their own Right, and for all and every other Person or Persons whomsoever, who now are or shall at any Time or Times hereafter be seised or possessed of or in any way interested in any such Messuages, Houses, Shops, Buildings, Lands, Tenements, or Hereditaments within the Limits of this Act which the said Commissioners shall at any Time or Times hereafter be desirous to purchase for any of the Purposes aforesaid, to contract and agree at any Time or Times, and from Time to Time, with the said Commissioners for the absolute Sale thereof, or any Part or Parts thereof, and to sell and convey the same, or any Part or Parts thereof, and all the Estate, Right, Title, and Interest whatsoever of, in, and to the same, unto the said Commissioners for the Purposes aforesaid; and all Contracts, Bargains, Sales, Surrenders, Assignments, Conveyances, and other Assurances which shall be made by virtue and in pursuance of the Provisions of this Act, shall, without any Fine, Recovery, or other Assurance in the Law whatsoever, and without Enrolment or Registry, be good, valid, and effectual, to all Intents and Purposes, not only to convey the Estate and Interest of the Party or Persons so conveying, but also to convey all the Right, Estate, and Interest, Trust, Use, Property, Possession, Claim, or Demand whatsoever of their several Cestuique Trusts, and all Persons whomsoever claiming or having Title to claim by, from, through, or under them, and of all Persons entitled in Remainder or Reversion expectant on any particular Estates, and the same shall be considered and deemed to bar, and shall bar, all Dower of the Wife or Wives of such Party or Parties, and all Estates Tail and other Estates in Possession, Reversion, Remainder, or Expectancy, and the Issue and Issues of the same Party or Parties claiming under them or any of them respectively, any Law, Statute, or Usage, or any other Matter or Thing whatsoever, to the contrary thereof in anywise notwithstanding; and all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Spiritual or Lay, and all Tenants for Life or Years, in Fee Simple, or in Fee Tail, General or Special, and all Feoffees in Trust, Husbands, Guardians, Committees, and Trustees, Executors and Administrators, and all other Persons whomsoever, are and shall be and they are hereby fully indemnified for what they shall respectively do by virtue and in pursuance of this Act.

Juries may assess Damages in certain Cases.

LXXIII. And be it further enacted, That if any Body or Bodies Politic, Corporate, or Collegiate, or Corporation Aggregate or Sole, Spiritual or Lay, or any Tenant or Tenants for Life or Years, or in Fee Simple, or Fee Tail, General or Special, or any Feoffees in Trust, Husbands, Guardians, Committees, or Trustees, or any other Owners, Proprietors, or Occupiers, or other Person or Persons whomsoever, either seised, possessed, or interested in his, her, or their own Right, or on the Behalf of any incapacitated Person or Persons so seised, possessed, or interested, of, in, or to any Lands, Tenements, or Hereditaments which it may be necessary to purchase for the Purpose of altering or widening any Road or Roads within the Limits of this Act,

or

or any Part thereof respectively, shall, for the Space of Three Calendar Months next after Notice shall have been given to or left at the last or usual Place or Places of Abode of such Person or Persons, or of the Clerk or head Officer of any such Body Politic, Corporate, or Collegiate, Spiritual or Lay, or at the House or Houses of the several Tenants in Possession of the said Premises, signed by the Clerk or Clerks of the said Commissioners, and signifying the Intention of the said Commissioners to contract for the Purchase thereof, neglect or refuse to treat or shall not agree with the said Commissioners for the Sale of or for the taking and using any such Lands, Tenements, or Hereditaments, or any Part or Parts thereof, or shall be prevented by Absence or otherwise from treating, or shall decline or refuse to sell, convey, or dispose of the said Premises, or any Part or Parts thereof, or their respective Estates, Rights, Claims, or Interests therein, unto the said Commissioners, or to such Person or Persons as they shall nominate for the Purpose, according to the Intent and Meaning of this Act, or shall not or cannot produce or make out a clear Title to the said Premises, or to their respective Estates, Rights, or Interests which they respectively claim therein, to the Satisfaction of the said Commissioners, or if any Dispute or Difference shall arise touching any of the aforesaid Premises, then and in every such Case it shall be lawful for the said Commissioners to cause it to be inquired into and ascertained, by and upon the Oaths of a Jury of Twelve indifferent Men of the County of *Durham*, (which Oaths the said Commissioners, or any One or more of them, are or is hereby empowered to administer,) what Damages will be sustained by, and what Recompence and Satisfaction shall be made to, the Owners, Proprietors, or Occupiers of the said Lands, Tenements, Hereditaments, and Premises, or other the Person or Persons interested therein, for or by reason of the same being purchased or taken by the said Commissioners; and in order thereto the said Commissioners, or any Five or more of them, are hereby authorized, empowered, and required from Time to Time to summon and call before the said Jury all Persons who shall be thought necessary and proper to be examined as Witnesses before the said Jury upon Oath, (which Oath the said Commissioners, or any One or more of them, are or is hereby empowered to administer,) and they shall order and require the said Jury to view the Premises in question, and to use all other lawful Ways and Means as well for their own as for the said Jury's Information in the Premises; and after the said Jury shall have ascertained, awarded, and assessed such Damages and Recompence as aforesaid, they the said Commissioners shall thereupon order and determine the Sum or Sums of Money so awarded and assessed by the said Jury to be paid according to the Verdict or Inquisition of the said Jury; which said Verdict or Inquisition, Order and Determination, when so had and made, shall be binding and conclusive, to all Intents and Purposes whatsoever, against all Persons, as well absent as present, and whether claiming in Possession, Reversion, Remainder, or otherwise; and all and every such Owners, Proprietors, Occupiers, and other Persons anywise interested in the said Premises shall be thereby and from thenceforth divested, to all Intents and Purposes, of all Right, Title, Claim, Remainders, Reversions, Interest, or Property of, in, to, or out of the same.

Jury to be sworn.

LXXIV. And be it further enacted, That each and every of the said Jury shall be sworn to ascertain and assess such Recompence and Satisfaction as aforesaid in the Form following, except so far as it may be necessary to change the same for the Purpose of describing the Matter or Thing, Matters or Things, for which the said Recompence or Satisfaction is to be made, ascertained, or given :

Form of Oath.

‘ I *A. B.* do swear, [or affirm, *as the Case may be,*] That I will well and truly assess and inquire, without any Favour, Partiality, or Affection whatsoever, the Sum which ought to be paid or granted [as the Case may be] for and in recompence of [describing the Premises only, if the total Value thereof is to be Matter of Inquiry; or if any separate Interest or Interests therein, then say] the Estate and Interest of *A. B.* [or the several and respective Estates and Interests of *A. B., C. D., and E. F.,* and each and every of them,] in the [describe the Premises to be purchased], under and by virtue of an Act passed in the Tenth Year of the Reign of King *George* the Fourth, intituled [here insert the Title of this Act], and that I will give a true Verdict according to the Evidence.

‘ So help me GOD.’

[Or, being a Quaker, omit the Words ‘ So help me God.’]

For summoning Juries and Witnesses.

LXXV. And be it further enacted, That for summoning and returning such Jury as aforesaid the said Commissioners are hereby empowered, to issue their Warrant or Warrants, signed by any Five or more of them, to the High Sheriff of the County of *Durham*, or if such Sheriff shall be interested in the Matter in question, then to one of the Coroners of the said County not so interested, thereby requiring such Sheriff or Coroner to impanel, summon, and return an indifferent Jury of Twenty-four Persons to appear before the said Commissioners, or any Five or more of them, at such Time and Place within the said Town of *South Shields* as in such Warrant or Warrants shall be appointed; and such Sheriff or his Deputy, or such Coroner, is hereby required to summon, impanel, and return such Twenty-four Persons accordingly; and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear according to or upon such Summons, the said Commissioners shall swear or cause to be sworn Twelve Persons, who shall be the Jury for the Purposes aforesaid; and in default of the Attendance of a sufficient Number of Jurymen the said Sheriff or his Deputy, or the said Coroner, shall return other indifferent Men of the Standers-by, or who can be speedily procured to attend that Service, so that the Jury may amount to the Number of Twelve; and in case the Jury to be sworn as aforesaid shall return to the said Commissioners that they cannot agree in their Verdict, the said Sheriff or his Deputy, or the said Coroner, is hereby authorized and required, upon receiving any other Warrant or Warrants from the said Commissioners in that Behalf, signed as aforesaid, to impanel, summon, and return another Jury in the Manner and for the Purposes aforesaid: Provided always, that all Persons concerned shall have their lawful Challenges against any of the said Jurymen in the same Manner as any Party in any Action depending in any of His Majesty's Courts of Record at *Westminster* is by Law entitled; and the said Commissioners are hereby empowered to impose any reasonable

able Fine or Fines upon the said Sheriff or his Deputy, or the said Coroner, making any Default in the Premises, and also on any of the Persons who shall be summoned and returned to serve on such Jury, and who shall not appear (without some sufficient Excuse), or after having appeared shall refuse to be sworn or affirmed on the said Jury, or having been sworn or affirmed shall refuse to give or shall not give a Verdict in the Matter in question, or who shall in any other Manner wilfully neglect his or their Duty therein, and also upon any of the Persons who, being summoned or required to give Evidence before the said Jury touching the Premises, shall neglect or refuse to appear (without sufficient Excuse) after having been paid or tendered a reasonable Sum of Money for his or her Expences, or appearing shall refuse to be sworn or to affirm, or to be examined or give Evidence touching the same; but no such Fine shall exceed the Sum of Fifty Pounds on any such Sheriff, Deputy, or Coroner, or the Sum of Five Pounds upon any other Person, for One Offence.

LXXVI. Provided always, and be it further enacted, That each and every Juryman who shall be sworn for the Purposes of this Act shall, for his Trouble and Expences in the Premises be allowed; the Sum of Ten Shillings and Sixpence for each Day's Attendance; and no more, notwithstanding such Juryman shall be sworn on several Inquiries and Assessments on the same Day; and the High Sheriff, for impannelling, summoning, and returning of each Jury, shall be allowed the Sum of One Pound and One Shilling, and no more; which said Allowance, in case of any Dispute or Difference, shall be settled and determined by any Two Justices of the Peace for the said County.

Allowance to  
Sheriff and  
Jury.

LXXVII. And be it further enacted, That in every Case where a Verdict shall be given by any such Jury for more Money than shall have been previously offered by or on the Behalf of the said Commissioners as a Recompence or Satisfaction for any such Lands, Tenements, or Hereditaments as aforesaid, or for any such Estate, Right, or Interest therein, all the Costs and Expences to be incurred in taking such Inquisition, and the Attendance of Witnesses, and recording or entering the Verdict and Judgment thereon, shall be borne and paid by or under an Order of the said Commissioners, or any Five or more of them, out of the Monies to arise by virtue of this Act; and such Costs and Expences shall be settled and determined by some Justice of the Peace for the said County, not interested in the Matter in question (who is hereby authorized and required to settle the same at a Time and Place to be by him appointed, after summoning the Parties interested therein to attend him for that Purpose); and in case such Costs and Expences shall not be paid to the Party or Person entitled to receive the same within Seven Days after the same shall be demanded, then the same shall and may be levied and recovered by Distress and Sale of any Goods or Chattels of the Treasurer or Treasurers of the said Commissioners, (unless such Treasurer or Treasurers shall pay such Costs and Expences out of any Monies received by him or them by virtue of this Act, which he or they is or are hereby authorized to do,) under a Warrant to be issued for that Purpose by any Justice of the Peace, which Warrant any

For defraying  
the Expences  
of Juries.

any such Justice is hereby authorized and required to issue under his Hand and Seal, on Application made to him for the Purpose by the Party or Person entitled to receive such Costs and Expences; and in every Case where a Verdict shall be given by any such Jury for no more or for less Money than shall have been previously offered by or on behalf of the said Commissioners as such Recompence or Satisfaction as aforesaid, all the Costs and Expences to be incurred as aforesaid shall be borne by the Party or Parties refusing or neglecting to treat and agree as before mentioned, or with whom the said Commissioners shall have had any Disagreement or Dispute concerning such Recompence or Satisfaction as aforesaid; but in Cases where any Person or Persons, Party or Parties, shall have been prevented by Absence from entering into any Treaty with the said Commissioners, the Costs and Expences so incurred shall be borne and paid by the said Commissioners in manner aforesaid; and in all Cases where any Difference shall arise touching the Amount of such Costs and Expences, the same shall be settled and ascertained by any Justice of the Peace, not interested in the Matter in question, who is hereby authorized and required to examine into and settle the same; and where the Costs shall be payable by the Party or Parties having had such Disagreement or Dispute with the said Commissioners as aforesaid, the Amount thereof, having been first paid as aforesaid, may be deducted by them, out of the Monies awarded to be paid to such Party or Parties, as so much Money advanced for his, her, or their Use, and the Payment or Tender of the Balance of such Money shall be deemed and taken, to all Intents and Purposes whatsoever, to be a Payment or Tender of the whole Money awarded and adjudged to such Party or Parties; or otherwise, if such Costs and Charges be not paid upon Demand, after being so ascertained as aforesaid, the same may be recovered by the said Commissioners from the Party or Parties liable to the Payment thereof by Action of Debt or on the Case in any of His Majesty's Courts of Record at *Westminster*, together with full Costs of Suit.

Application  
of Compensation Money  
if amounting  
to 200*l.*

LXXVIII. And be it further enacted, That if any Money shall be paid or agreed or awarded to be paid for the Purchase of any Lands, Tenements, or Hereditaments to be purchased, taken, or used by virtue of the Powers of this Act, which shall belong to any Body Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Tenant for Life or Years or in Tail, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or on behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or to any Person or Persons whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account there *ex parte* the Commissioners for executing this Act, pursuant to the Method prescribed by an Act passed in the First Year of the Reign of His present Majesty King *George* the Fourth, intituled *An Act for the better securing*



*securing Monies and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes, and the General Orders of the said Court, and without Fee or Reward; and shall, when so paid in, there remain until the same shall, by Order of the said Court made upon a Petition to be preferred to the said Court in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, be applied either in the Purchase or Redemption of the Land Tax, or in or towards the Payment or Discharge of any Debt or Debts, or other Incumbrances, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith, or to the same or the like Uses, Trusts, Intents, or Purposes, as the said Court of Exchequer shall authorize to be purchased, redeemed, paid, or discharged, or such Part thereof as shall be necessary; or until the same shall, upon the like Application, be laid out in a summary Way, by Order of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed, limited, and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, or Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined or capable of taking effect; and in the meantime, and until such Order can be made, the said Money may, by Order of the said Court, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities, or in Government or Real Securities; and in the meantime, and until the said Bank Annuities or Government or Real Securities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends or Interest and annual Produce of the said Consolidated or Reduced Bank Annuities, or Government or Real Securities, shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of such Lands, Tenements, or Hereditaments so to be purchased, conveyed, and settled.*

LXXIX. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments to be purchased, taken, or used for the Purposes of this Act, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed or amount to the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiocy, Lunacy, or other Incapacity, with the Approbation of the said Commissioners, or any Five or more of them, to be signified in

Where less than 200l. and amounting to 20l.

[Local.]

10 X

Writing

Writing under their respective Hands, be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General of the Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same may be paid, at the like Option and with the like Approbation, to Two Trustees, to be nominated by the Person or Persons who for the Time being would be entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so to be purchased and settled, such Nomination to be approved of by Five or more of the Commissioners for executing this Act, and such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties; and the Money so paid to such Trustees, and the Dividends and Produce arising thereon and therefrom, shall be by them applied in like Manner as is herein-before directed with respect to the Money so to be paid into the Bank of *England* in the Name of the Accountant General of the Court of Exchequer, but without obtaining or being required to obtain any Order of the said Court touching the Application thereof.

Where under  
20l.

LXXX. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next herein-before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be paid to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of this Act, for his, her, or their own Use and Benefit; or in case of Infancy, Idiocy, Lunacy, or other Incapacity, then such Money shall be paid to his, her, or their Guardian or Guardians, Committee or Committees, Trustee or Trustees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of  
not making  
out a good  
Title, or if  
Persons can-  
not be found,  
the Purchase  
Money to be  
paid into the  
Bank.

LXXXI. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be agreed for, adjudged, or awarded for the Purchase of any Lands, Tenements, or Hereditaments to be purchased, taken, or used under or by virtue of the Powers of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises, to the Satisfaction of the said Commissioners, or in case the Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall be lawful for the said Commissioners to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Exchequer, to be placed to his Account there, to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments, (describing them,) subject to the Order, Controul, and Disposition of the said Court; which said Court, on the Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a

summary Way of Proceeding or otherwise, as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England* who shall receive such Sum or Sums of Money is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying therein for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank of *England* as aforesaid.

LXXXII. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Exchequer, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, Title, or Interest in any Lands, Tenements, or Hereditaments, to be purchased in pursuance of this Act for the Purposes aforesaid, or to any Bank Annuities or Government or Real Securities to be purchased with any such Money, or the Dividends or Interest of any such Bank Annuities or Government or Real Securities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court; and the Dividends or Interest of the Bank Annuities or Government or Real Securities to be purchased with such Money, and also the Capital of such Bank Annuities or Government or Real Securities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

In case of  
disputed  
Titles.

LXXXIII. Provided also, and be it further enacted, That where, by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands, Tenements, or Hereditaments to be purchased, taken, or used under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Court of Exchequer, or to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as to the said Court shall seem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Commissioners out of the Monies to be received by virtue of this Act, who shall from

The Court  
may order  
reasonable  
Expences of  
Purchasers to  
be paid by  
the Commis-  
sioners.

from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Form of  
Conveyance.

LXXXIV. And be it further enacted, That all Sales, Conveyances, and Assurances of any Lands, Messuages, Houses, Shops, Buildings, Tenements, or Hereditaments, to be from Time to Time made to the said Commissioners by virtue of this Act, shall be made in the Form or to the Effect following; (that is to say,)

I [or We] of \_\_\_\_\_ in consideration of the Sum of \_\_\_\_\_ to me [or us] paid by the Commissioners for the Improvement of the Town of *South Shields* in the County of *Durham*, acting under or by virtue of an Act passed in the Tenth Year of the Reign of His Majesty King *George* the Fourth, intituled [*here insert the Title of this Act*], do hereby grant and convey to the said Commissioners and their Successors all [*here describe the Premises*], and all my [or our] Right, Title, and Interest to and in the same and every Part thereof, to hold to the said Commissioners, their Successors and Assigns, for ever. In witness whereof I [or we] have hereunto set my Hand and Seal, [or our Hands and Seals,] this \_\_\_\_\_ Day of \_\_\_\_\_ in the Year of our Lord \_\_\_\_\_

And every such Sale, Conveyance, and Assurance so made in Manner or to the Effect aforesaid shall be valid and effectual to all Intents and Purposes, and shall be sufficient in Law to vest the Premises so conveyed in the said Commissioners and their Successors, for the Uses and Purposes of this Act, freed and absolutely acquitted and discharged of and from all Claims, Rights, Interests, Charges, and Incumbrances of all Persons whomsoever, to all Intents and Purposes whatsoever; any Law, Statute, Usage, or Custom to the contrary thereof notwithstanding.

Mortgages  
to be assign-  
ed to the  
Commis-  
sioners on  
Tender of  
Principal and  
Interest, to-  
gether with  
Six Months  
Interest.

LXXXV. And be it further enacted, That all and every Person or Persons who shall have any Mortgage or Mortgages on such Messuages, Houses, Shops, Buildings, Lands, Tenements, or Hereditaments, not being in Possession thereof by virtue of such Mortgage or Mortgages, shall, on the Tender of the Principal and Interest due thereon, together with the Amount of Six Calendar Months Interest on the said Principal Money, by the said Commissioners or any Five or more of them, or by such Person or Persons as they shall appoint, immediately convey, assign, and transfer such Mortgage or Mortgages to the said Commissioners or to such Person or Persons as they shall appoint; or in case such Mortgagee or Mortgagees shall have Notice in Writing from the said Commissioners or any Five or more of them, or such Person or Persons as they shall appoint, that they will pay off and discharge the Principal Money and Interest due on the Mortgage or Mortgages at the End or Expiration of Six Calendar Months, to be computed from the Day of giving such Notice, then at the Expiration of the said Six Calendar Months, on Payment of the Principal and Interest so due, such Mortgagee or Mortgagees shall convey, assign, and transfer his, her, or their Interest in the Premises to the said Commissioners, or such Person or Persons as shall be appointed as aforesaid, in Trust for them; and in case such  
Mortgagee

Mortgagee or Mortgagees shall refuse to convey or assign as aforesaid on such Tender or Payment, then all Interest on every such Mortgage shall from thenceforth cease and determine: Provided always, that in case the Sum due upon any such Mortgage or Mortgages, with all Interest due thereon, shall amount to more than the real Value of such Messuages, Houses, Shops, Buildings, Lands, Tenements, or Hereditaments, or the Part or Parts thereof which shall be taken for the Purposes of this Act, (such Value to be ascertained in manner herein-before directed,) then the said Commissioners shall not be liable to pay the Mortgagee or Mortgagees more than the real Value of such Premises, to be determined as aforesaid.

LXXXVI. And be it further enacted, That every Sum of Money to be agreed for or awarded or assessed as aforesaid shall be paid, out of the Rate or Assessment herein authorized to be raised and levied, to the Party or Persons respectively entitled to such Monies, or their Agents; and upon Payment thereof, or on placing the same in the Bank of *England* in manner by this Act directed, whether such Conveyance as aforesaid shall or shall not be made, all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand, in Law and Equity, of the Person or Persons respectively (unto or to whose Credit or Use the same shall have been paid) of, in, to, or out of such Messuages, Houses, Shops, Buildings, Lands, Tenements, or Hereditaments, shall vest in the said Commissioners and their Successors respectively, in Trust for effecting the Purposes of this Act, and they shall be deemed in Law to be in the actual Seisin or Possession thereof to all Intents and Purposes whatsoever; and such Payments shall not only bar all Right, Title, Interest, Claim, and Demand of the Person or Persons unto or to whose Use or Credit such Payment shall have been made as aforesaid, but also shall extend to and be deemed and construed to bar the Dower and Dowers, and all Right and Title thereto, of the Wife and Wives of such Person or Persons, and all Estates Tail, and other Estates in Possession, Reversion, Remainder, or Expectancy, and the Issue and Issues of such Person and Persons, and every Person claiming under them.

For Payment of Purchase Money, &c. and for vesting Property in the Commissioners.

LXXXVII. And be it further enacted, That after Payment of the Purchase Money as herein-before mentioned it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and empowered, from Time to Time to cause all and every the Houses and other Buildings, Erections, Projections, and Encroachments, which shall at any Time be purchased under the Powers and for the Purposes of this Act, or any of them, or any Part of them, to be appropriated to the Purposes of this Act, or otherwise to be taken down, and to cause the Sites thereof, or so much of such Sites as they shall think proper, to be added to or laid into the Streets, Lanes, or other public Passages or Places, or to be formed and made into any new Streets, Lanes, or public Passages or Places, for the Purposes of making Communications between any of the present Streets, Lanes, or other public Passages or Places, in such Manner as the said Commissioners shall judge proper; and the Land so added to or laid into the respective Streets, Lanes, or other public Passages or Places respectively, shall for ever afterwards be deemed Part thereof; and

Power to pull down Buildings purchased for the Purposes of the Act.

[*Local.*]

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the

the same, and also such as shall be formed and made into any new Streets, Lanes, or other public Passages or Places as aforesaid, shall be used as common public Highways.

For the Sale  
of Houses,  
&c. not  
wanted.

LXXXVIII. And be it further enacted, That it shall be lawful for the said Commissioners to sell and dispose of, and by Indenture or Indentures, Surrender or Surrenders, under the Hands and Seals of any Five or more of them, to grant, convey, and surrender, by way of absolute Sale in Fee Simple, or otherwise, according to the Nature and Tenure thereof, for a Consideration in Money, all or any Part or Parts of the Houses, Buildings, Lands, Tenements, or Hereditaments which may have been so purchased, and which shall not be wanted for the Purposes of this Act; and upon Payment of the Money which shall arise by or from the Sale or Sales of such Houses, Buildings, Lands, Tenements, or Hereditaments, or of any Part or Parts thereof, it shall be lawful for the said Commissioners, or any Five or more of them, to sign and give a Receipt or Receipts for the Money for which the same shall be sold, which Receipt or Receipts shall be a sufficient Discharge or sufficient Discharges to any Person or Persons for the Money therein and thereby expressed or acknowledged to be received; and such Person or Persons, having *bonâ fide* paid the same, shall not afterwards be answerable or accountable for any Loss, Misapplication, or Nonapplication of such Purchase Money, or any Part thereof.

The Words  
"grant, bar-  
gain, and  
sell," to ope-  
rate as Cove-  
nants.

LXXXIX. And be it further enacted, That in all Grants and Conveyances of any Freehold Lands or Hereditaments to be made by the said Commissioners under or by virtue of the several Powers and Authorities by this Act granted, the Words "grant, bargain, and sell," shall be construed and adjudged in all Courts of Judicature to be express Covenants to the Grantee or Purchaser, his, her, and their Heirs, Executors, Administrators, and Assigns, from the said Commissioners, for themselves and their Successors, that the said Commissioners, notwithstanding any Act done by them, were at the Time of the Execution of every such Grant or Conveyance seised of the Freehold Lands, Hereditaments, and Premises thereby granted, conveyed, and sold, of an indefeasible Estate of Inheritance in Fee Simple, free from all Incumbrances, for quiet Enjoyment thereof against the said Commissioners and their Successors, and all Persons claiming under them; and all such Purchasers shall be indemnified and saved harmless by the said Commissioners and their Successors.

Commission-  
ers to make  
a Rate  
yearly.

XC. And be it further enacted, That the said Commissioners shall and they are hereby empowered and required, Once in every Year, to rate and assess, as herein-after mentioned, the Tenants or Occupiers of all Farm or Husbandry Buildings and Lands, public or common Gardens, Glass Houses, Docks, Shipbuilding Yards, Rope Manufactories, Soda or Alkali Manufactories, Gas Manufactories, Waterworks, licensed Ballast Wharfs, Colliery Staiths, Collieries, and Breweries within the Limits of this Act, in any Sum not exceeding Eight-pence in the Pound upon the full improved yearly Value of such respective Premises; and the Tenants or Occupiers of all Houses, Shops, Buildings, Yards, Gardens, Tenements, and Hereditaments

within the Limits of this Act, (save and except such Buildings, Yards, Gardens, and Premises as are herein-before subjected to the aforesaid Rate of not exceeding Eight-pence in the Pound, and also save and except all Houses, Buildings, and other Hereditaments occupied for the Purposes of any public Charity, and also all public Charity Schools, and which are severally not intended to be made liable to the Rates hereby imposed, and also save and except all Tithes and Market Tolls and other customary Payments due and payable to the Dean and Chapter of *Durham* as Lords of the Manor of *Westoe* otherwise *Wivestoe*;) in any Sum not exceeding One Shilling and Four-pence in the Pound upon the full improved yearly Value of such respective last-mentioned Premises; and every such Rate or Assessment shall be signed by the Chairman of the Meeting of the said Commissioners, and by any Four or more of the Commissioners present at the Meeting at which the same shall be allowed, and no Rate or Assessment shall be valid until the same shall be so signed; and the Monies so to be rated and assessed shall from Time to Time be paid by the Tenants or Occupiers of the said respective Premises, by equal quarterly Payments, (whether such Tenants or Occupiers reside within the Limits of this Act or elsewhere,) to the Collector or Collectors to be appointed as herein mentioned, and shall be forthwith paid over by such Collector or Collectors into the Hands of the Treasurer to the said Commissioners, or such Person or Persons as the said Commissioners shall from Time to Time appoint to receive the same.

XCI. Provided also, and be it further enacted, That in all Cases where any House or Tenement within the Limits of this Act shall be divided into or let or occupied in Three or more separate Tenements or Apartments, (the Landlord or Proprietor thereof not being an Occupier thereof,) then the Lessee or Lessees under the Dean and Chapter of *Durham*, or his, her, or their Assignee or Assignees, of any such House or Tenement held by virtue of a Lease from the Dean and Chapter of *Durham*, and the Landlord or Proprietor of any other such House or Tenement, shall be considered, deemed, and taken to be the Tenant or Occupier of, and shall be rated and assessed for One equal Half Part of the full improved yearly Value of such House or Tenement for the Purposes of this Act, and the actual Tenants or Occupiers of such House or Tenement shall be rated and assessed for the other Half Part of the full improved yearly Value of such House or Tenement for the Purposes of this Act; but if the Landlord or Proprietor of such House or Tenement be an Occupier of any Part thereof, then such Landlord or Proprietor shall be considered, deemed, and taken to be the Tenant or Occupier of the whole of such House or Tenement for the Purposes of this Act, and shall be rated and assessed under this Act for the whole of such House or Tenement as if he were the actual Occupier of the whole thereof.

Mode of charging Houses let in Three or more separate Apartments.

XCII. And be it further enacted, That the said Commissioners shall and may and they are hereby authorized and empowered, yearly and every Year, and as often as Occasion shall require, to nominate and appoint Twelve Persons, and out of such Number to elect, by Ballot or otherwise, as the said Commissioners shall think fit, Two or more able and sufficient Inhabitants residing within the Limits of this Act

Commissioners may appoint Assessors and Collectors.

to

to be Assessor or Assessors; and yearly in like Manner to nominate and appoint Twelve Persons as aforesaid, and out of such Number, by Ballot or otherwise, as the said Commissioners shall think fit, to elect Two or more able and sufficient Inhabitants within the Limits aforesaid to be Collector or Collectors for the Purposes of this Act; and in case any Person or Persons so to be appointed Assessor or Assessors or Collector or Collectors as aforesaid shall neglect or refuse to take upon himself or themselves such Office or Offices respectively within Ten Days next after Notice from the Clerk or Clerks to the said Commissioners of such Appointments, or being so appointed shall at any Time or Times (without sufficient Excuse to be allowed by the said Commissioners) refuse or neglect duly to perform the Duties of their respective Offices, every Person so neglecting or refusing shall for every such Offence forfeit and pay the Sum of Twenty Pounds, to be applied by the said Commissioners for or towards the general Purposes of this Act; provided that no Person who shall have been appointed to and served the Office of Assessor or Collector under this Act, or who shall have paid the Penalty hereby imposed for neglecting or refusing to take upon himself either of such Offices, shall be liable to be again appointed to or pay the Penalty for neglecting or refusing to perform the same Office for the Space of Seven Years afterwards, unless in case at any Time no other able and sufficient Inhabitants can be found liable to fill such Office.

Duty of  
Assessors.

XCIII. And be it further enacted, That for better enabling the said Commissioners to make the Rates or Assessments aforesaid, the Assessor or Assessors to be appointed by virtue of this Act shall and they are hereby empowered and required from Time to Time, as often as they shall be required so to do by the said Commissioners, to inquire into and ascertain or determine the Amount of the full improved yearly Value of the several and respective Lands, Buildings, and Premises to be rated and assessed by virtue of this Act, and of the several and respective Sums which ought, under the Provisions of this Act, to be charged upon the several and respective Tenants or Occupiers thereof, or the Landlords or Proprietors thereof, as the Case may be; and the said Assessor or Assessors shall make out a separate Schedule of the Lands, Buildings, and Premises liable to be rated by virtue of this Act to the aforesaid Rate of Eight-pence in the Pound, and of the Lands, Buildings, and Premises liable to be rated by virtue of this Act to the aforesaid Rate of One Shilling and Four-pence in the Pound, specifying the Description of such Lands, Buildings, and Premises respectively, and the full improved yearly Value thereof respectively, and the Amount of the respective Sums which ought to be assessed upon and paid by the Tenants or Occupiers thereof, or other Persons liable to the Payment of the Rates thereon by virtue of this Act, together with the Names of such Tenants or Occupiers or Persons, and shall sign the said Schedules or Assessments, and shall deliver the same so signed to the said Commissioners at such Time and Place as the said Commissioners shall order and direct in that Behalf.

Commissioners  
may in-

XCIV. And be it further enacted, That it shall and may be lawful for the said Commissioners or any of them, and for their Clerk or Clerks,



Clerks, Assessor or Assessors, Collector or Collectors, or other Person or Persons authorized by the said Commissioners by an Order in Writing signed by any Five or more of them, from Time to Time and at all convenient Times, to inspect or take Copies of or Extracts from any of the Rates or Assessments made for the Relief of the Poor of the several Townships within the Limits of this Act, and of the Books of Assessment of the Land Tax, House Tax, and Assessed Taxes; which Inspection, Copies, and Extracts the Person or Persons having the Custody of such Rates or Assessments are hereby required to permit and suffer to be made without Fee or Reward; and in case such Person or Persons shall neglect or refuse so to do, he or they shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

inspect Poor Rates and other Assessments.

XCV. Provided always, and be it further enacted, That it shall and may be lawful for the said Commissioners and they are hereby empowered, upon the Complaint of any Occupier of a Dwelling House or other Hereditaments subject to the Payment of the said Rates or Assessments, to mitigate, reduce, lessen, remit, or excuse, for or on account of his, her, or their Poverty or Inability, or any other good and sufficient Cause, Payment of the said Rate or Assessment, or any Part thereof.

Commissioners may reduce or remit Rates on account of Poverty.

XCVI. And be it further enacted, That it shall be lawful for the said Commissioners, at any Meeting to be holden in pursuance of this Act, from Time to Time to amend any Rate or Assessment to be made by virtue of this Act, by inserting therein the Name or Names of any Person or Persons who ought to have been rated, or by striking out the Name or Names of any Person or Persons who ought not to have been rated therein, or by making such other Amendments therein as will in the Judgment of the said Commissioners make such Rate or Assessment conformable to the true Intent and Meaning of this Act; but no such Amendment so to be made by the said Commissioners in any such Rate or Assessment shall be held to vitiate the same.

Commissioners may amend Rates.

XCVII. Provided always, and be it further enacted, That in all Cases where any Person or Persons shall remove from or quit any House, Tenement, or Hereditaments rated or assessed or liable to be rated or assessed by virtue of this Act, such Person or Persons shall be liable to pay such Rate or Assessment, in proportion to the Time that he, she, or they occupied the same respectively, in like Manner as if such Person or Persons had not removed from or quitted the same; and in all Cases where any Person or Persons shall come into or occupy any House, Tenement, Hereditaments, and Premises rated or assessed or liable to be rated or assessed as aforesaid, out of or from which any Person or Persons who shall have been rated or assessed for the same shall be removed, or which at the Time of making any such Rate or Assessment was empty or unoccupied, the Person or Persons coming into or occupying the same shall be liable to pay such Rate or Assessment, although his, her, or their Name or Names may not be inserted in such Rates or Assessments, in proportion to the Time that such Person or Persons shall occupy the same, and in like

Rates to be apportioned on Change of Occupiers.

[Local.]

10 Z

Manner

Manner as if he, she, or they had been originally rated or assessed by Name for such House, Tenement, or Hereditaments; which said respective Proportions, in case of Dispute, shall be ascertained and settled by the said Commissioners.

Recovery of Rates.

XCVIII. And be it further enacted, That in case any Person or Persons who shall be rated or assessed or subject or liable to the Payment of any Rate or Assessment to be made or laid on as aforesaid shall refuse or neglect to pay his, her, or their Proportion or Proportions as aforesaid of any of the said Rates or Assessments to any Collector or Collectors to be appointed as aforesaid, for the Space of Ten Days next after personal Demand thereof made, or Demand thereof in Writing left at the usual or last Place of Abode of such Person or Persons, it shall be lawful for any One or more Justice or Justices of the Peace of the Town, County, or Place wherein such Person or Persons so neglecting or refusing shall be or reside, upon Proof made upon Oath of such Demand and Nonpayment, (which Oath any One or more of the said Justice or Justices is and are hereby empowered and required to administer,) by Warrant under the Hand and Seal or Hands and Seals of such Justice or Justices, (which he and they is and are hereby empowered to grant,) to authorize and direct the said Collector or Collectors to levy such Rate or Monies so in arrear, together with the Costs and Charges attending the same, to be ascertained by such Justice or Justices, by Distress and Sale of the Goods and Chattels of the Person or Persons so refusing or neglecting to pay as aforesaid, rendering the Overplus (if any), upon Demand, to the Owner or Owners of the said Goods and Chattels; and in default of such Distress it shall and may be lawful to and for such Justice or Justices to commit such Person or Persons to the Common Gaol or House of Correction, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, or until Payment of such Sum or Sums of Money as shall have been found to be due and in arrear upon all or any such Assessment or Assessments as aforesaid, together with all Costs, Charges, and Expences, to be ascertained by the said Justice or Justices.

Persons aggrieved by Rates may appeal to the Commissioners.

XCIX. Provided always, and be it further enacted, That if any Person shall think himself or herself aggrieved by any Rate or Assessment which shall be made in pursuance of this Act, he or she may apply to the said Commissioners at their first or second Meeting to be holden after the demanding of such Rate or Assessment; and the said Commissioners are hereby authorized and empowered, if they shall think such Person aggrieved, to give such Relief in the Premises as to them shall seem reasonable; and if any Person shall be dissatisfied with the Determination of the said Commissioners therein, such Person or Persons may appeal in the Manner herein-after mentioned to a General or Quarter Sessions of Justices of the Peace to be holden in the said County of *Durham*, whose Determination therein shall be final and conclusive.

Commissioners may borrow Money.

C. And be it further enacted, That it shall and may be lawful to and for the said Commissioners from Time to Time to borrow and take up at Interest any Sum or Sums of Money, not exceeding the

Sum of Four thousand Pounds, for the Purposes of this Act, upon the Credit and Security of the Rates and Assessments hereby granted and made payable, and by Writing under the Hands and Seals of any Five or more of them to grant, demise, or assign all or any Parts of such Rates and Assessments to the Person or Persons who shall advance or lend any Money thereon, or his, her, or their Trustees or Trustee, as a Security for the Payment of the Principal Money so to be advanced, with Interest for the same; and every such Security shall or may be in the Words or to the Effect following; (that is to say,)

‘ **BY** virtue of an Act [*here insert the Title of this Act*], we Form of As-  
 ‘ being signment. of the Commissioners appointed by and in  
 ‘ pursuance of the said Act, in consideration of the Sum of  
 ‘ this Day advanced and lent by upon the Credit  
 ‘ and for the Purposes of the said Act, do hereby grant, bargain, sell,  
 ‘ and demise unto the said his Executors, Administrators,  
 ‘ and Assigns, such Proportion of the Rates or Assessments arising  
 ‘ by virtue of this Act as the said Sum of doth  
 ‘ or shall bear to the whole Sum which may at any Time be borrowed  
 ‘ or become due and owing or charged upon the Credit of the Assess-  
 ‘ ments granted by the said Act; to be had and holden from this  
 ‘ Day of until the said Sum of  
 ‘ with Interest at *per Centum per Annum*  
 ‘ for the same, shall be repaid and satisfied. In witness whereof we  
 ‘ have hereunto set our Hands and Seals, the Day of  
 ‘ in the Year of our Lord .’

And all Persons to whom such Mortgages or Securities shall be made, or who shall be entitled to the Money thereby secured, shall, in proportion to the Sums therein respectively mentioned, be Creditors on the said Rates and Assessments equally one with another, without any Preference in respect of the Priority of advancing any such Money or of the Dates of any such Mortgages or Securities.

CI. And be it further enacted, That in case the said Commissioners, Monies may  
 or any Five or more of them, shall think it advisable or more advan- be raised by  
 tageous to raise any Part of the Monies necessary for the Purposes of Annuities.  
 this Act by the granting of Annuities on Lives, then it shall be lawful  
 for the said Commissioners, or any Five or more of them, and they  
 are hereby authorized and empowered, by Writing under their Hands  
 and Seals, to grant Annuities, out of the Rates or Assessments to be  
 raised as aforesaid, to any Person or Persons who shall contribute,  
 advance, and pay into the Hands of the Treasurer to the said Com-  
 missioners any Sum or Sums of Money for the absolute Purchase of  
 any Annuity or Annuities to be paid and payable during the natural  
 Life of every such Contributor, or of such Person as shall be nomi-  
 nated by or on behalf of such Contributor at the Time of the Payment  
 of his or her Contribution or Purchase Money, so as that no such  
 Annuity do exceed the Rates or Amounts directed or provided by any  
 Law or Statute in force at the Time or Times of granting any such  
 Annuity relating to the granting of Life Annuities charged on Govern-  
 ment Securities, and so that the whole Money to be raised upon  
 Mortgage and by the granting of Annuities as aforesaid do not  
 exceed the Sum of Four thousand Pounds; and the Grant of every  
such

such Annuity may be in the Words or to the Effect following ; (that is to say,)

Form of  
Grant of  
Annuity.

‘ WE of the Commissioners appointed  
‘ by or in pursuance of an Act passed in the Tenth Year of the  
‘ Reign, &c. [*here insert the Title of this Act*], in consideration of the  
‘ Sum of \_\_\_\_\_ paid by  
‘ to \_\_\_\_\_ the Treasurer appointed in pursuance  
‘ of the said Act, do hereby grant unto the said  
‘ his Executors, Administrators, and Assigns, an Annuity or yearly  
‘ Sum of \_\_\_\_\_ out of the Rates or Assessments arising by  
‘ virtue of the said Act, which Annuity or yearly Sum of  
‘ shall be paid to the said \_\_\_\_\_ his Executors,  
‘ Administrators, and Assigns, upon the \_\_\_\_\_ Day of  
‘ \_\_\_\_\_ in every Year during the natural Life of \_\_\_\_\_  
‘ and the first Payment thereof shall be made upon the \_\_\_\_\_  
‘ Day of \_\_\_\_\_ next ensuing the Date of these Presents.  
‘ In witness whereof we the said Commissioners have hereunto set  
‘ our Hands and Seals, the \_\_\_\_\_ Day of \_\_\_\_\_ .’

And every such Grant shall be good, valid, and effectual in the Law ; and every Annuity so to be granted as aforesaid shall be and is hereby charged upon and made payable and paid, free from all Taxes and Deductions, out of the said Rates and Assessments, and shall be paid, and payable at such Places within the said Town of *South Shields*, and on such Days in every Year, as shall be mentioned in such Grant.

Notice to be  
given of bor-  
rowing  
Money.

CII. Provided always, and be it further enacted, That before any Money shall be borrowed or Annuity granted, Twenty-one Days Notice at least shall be given by affixing a Notice upon the Door of the principal Entrance of the Chapel of *Saint Hilda*, signifying the Intention of borrowing such Money or granting such Annuities.

Mortgages  
and Securi-  
ties may be  
transferred.

CIII. And be it further enacted, That it shall be lawful for the Persons entitled to any of the Securities for Money borrowed or raised by Mortgage, and of the Annuities granted as aforesaid, and their respective Executors, Administrators, or Assigns, at any Time, by Writing under their respective Hands and Seals, to transfer such Securities to any Person or Persons whomsoever ; which Transfer may be in the Words or to the Effect following ; (that is to say,)

Form of  
Transfer  
of Security.

‘ I \_\_\_\_\_ being entitled to the Sum of  
‘ [or an Annuity of \_\_\_\_\_], secured to  
‘ Executors, Administrators, and Assigns, by virtue of a Mortgage or  
‘ Security [or Grant of Annuity] bearing Date the  
‘ Day of \_\_\_\_\_, under the Hands and Seals of  
‘ being \_\_\_\_\_ of the Commissioners acting in the Execution of an  
‘ Act made in the Tenth Year of the Reign of His Majesty King  
‘ *George* the Fourth, intituled *An Act* [*here insert the Title of this*  
‘ *Act*], do hereby transfer all my Right and Title in and to  
‘ the same, and all Interest or other Money now due and owing  
‘ thereupon, unto \_\_\_\_\_ his Executors, Administrators, or  
‘ Assigns. Witness my Hand and Seal, the  
‘ Day of \_\_\_\_\_ .’

CIV. And

CIV. And be it further enacted, That all Mortgages, Grants of Annuities, or Securities, which shall be made in pursuance of this Act, and all Transfers thereof respectively, shall be entered by the Clerk or Clerks to the said Commissioners in a Book to be kept for that Purpose, which Entry shall specify and contain the Dates of such Securities, Names of the Parties, and the Sums of Money thereby secured; to which Book any Person or Persons interested shall at all seasonable Times have Access, and he, she, or they, or the Person or Persons whom they shall appoint, shall have free Liberty to inspect the same without Fee or Reward; and for the Entry of every such Transfer the said Clerk shall be paid by the Person to whom such Transfer shall be made the Sum of Two Shillings and Sixpence, and no more; and after such Entry made, and not till then, every such Transfer shall entitle the Person or Persons to whom the same shall be made, and his, her, or their respective Executors, Administrators, and Assigns, to the Benefit of the Security thereby transferred, without any other Registry or Enrolment whatsoever; and it shall not be in the Power of such Person or Persons who shall have made such Transfer to make void, release, or discharge the same, or any Money due thereon.

Mortgages  
and Securi-  
ties to be  
entered in a  
Book.

CV. And be it further enacted, That all Monies to be raised, collected, or received by virtue or under the Authority of this Act, shall be and the same are hereby vested in the said Commissioners; and out of the first Money arising from the Rates and Assessments which shall be collected by virtue of this Act, or out of any Money which shall be received by way of Gift or Donation, which the said Commissioners are hereby authorized and empowered to receive, or which shall be borrowed on the Credit of the said Rates or Assessments as aforesaid, the said Commissioners shall in the first place pay and discharge the Costs, Charges, and Expences of applying for and obtaining this Act, together with lawful Interest for any Money advanced for that Purpose, from the Time of such Advance; and the Remainder of such Monies shall be applied in paying the Interest of the Principal Money which shall be borrowed in pursuance of this Act; and in the next place in paying and defraying the necessary Costs, Charges, and Expences of lighting, watching, paving, and cleansing the several Streets, Lanes, and other public Passages and Places within the Limits of this Act, and in forming a Sinking Fund, in case the said Commissioners shall think a Sinking Fund expedient, as herein-after mentioned; and the Remainder of the same Monies (if any) shall be applied in paying and defraying the necessary Costs, Charges, and Expences attending the Execution of the other Powers and Authorities and Directions in this Act contained, and to no other Use, Intent, or Purpose whatsoever.

Application  
of the Money.

CVI. And be it further enacted, That when any Sum of Money shall be borrowed and taken up at Interest upon the Credit or Security of the said Rates, Duties, or Assessments, the Sum of Five Pounds *per Centum per Annum* on every such Sum shall (if the said Commissioners shall think it expedient at any Time to adopt a Sinking Fund) from thenceforth be charged and be appropriated and paid out of the Rates, Duties, and Assessments, over and besides the

Sinking  
Fund.

[Local.]

11 A

Interest

Interest payable on the Money borrowed, in order to form a Sinking Fund for the gradual Payment of all Principal Sum and Sums so to be borrowed; and that as often as the said Sinking Fund shall amount to the Sum of One hundred Pounds, then and in such Case that Sum shall be applied in the Payment of an equal Amount of the said Principal Money then due and owing on the Credit or Security of the said Rates, Duties, or Assessments, rateable or by Lot, among the Creditors, as the said Commissioners shall think proper.

Penalty on obstructing the Execution of this Act.

CVII. And be it further enacted, That if any Person shall at any Time obstruct, hinder, or molest any Collector or Collectors or other Person or Persons whomsoever, who is, are, or shall be employed to put this Act in execution, in the Performance or Execution of his or their Duty, every such Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

How Penalties shall be recovered and applied.

CVIII. And be it further enacted, That all Fines, Penalties, and Forfeitures imposed by this Act, (the Application and Manner of levying and recovering whereof is not otherwise particularly directed,) and the Costs and Charges of levying the same, shall be levied and recovered by Distress and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant of any Justice of the Peace for the County of *Durham* or other Place or County where the Offender shall reside, (which Warrant such Justice is hereby required to grant,) upon the Confession of the Party or Parties, or upon the Information of any credible Witness upon Oath; and all such Penalties and Forfeitures, when recovered, shall, if not directed by this Act to be otherwise applied, be paid, one Moiety to the Informer or Informers, and the other Moiety to the said Commissioners; and in case of there being no Informer, or such Informer being a Commissioner or other Officer appointed under this Act, then the whole shall be paid to the said Commissioners, to be by them applied for the Purposes of this Act; and in case no sufficient Distress can be found, or such Penalties and Forfeitures shall not be forthwith paid upon Conviction, then it shall be lawful for such Justice to order the Offender or Offenders so convicted to be detained and kept in safe Custody until Return can conveniently be made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security to the Satisfaction of such Justice for his, her, or their Appearance before such Justice on such Day or Days as shall be appointed for the Return of such Warrant of Distress, such Day or Days not being more than Five Days from the Time of taking any such Security, and which Security the said Justice is hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had whereupon to levy the said Penalties or Forfeitures and such Costs as aforesaid, and the same shall not be forthwith paid, or if it shall appear to such Justice, either by the Confession of the Offender or Offenders, or otherwise, that the Offender or Offenders hath or have not sufficient Goods and Chattels whereupon to levy such Penalties or Forfeitures or such Costs as aforesaid on a Warrant of Distress being issued, it shall be lawful for such Justice, and he is hereby authorized and required, by Warrant under his Hand and Seal, to commit the Offender or

Offenders to the Common Gaol or House of Correction, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unless such Penalties and Forfeitures and all reasonable Charges attending the Recovery thereof shall be sooner paid and satisfied.

CIX. Provided always, and be it further enacted, That no Person or Persons shall be subject or liable to the Payment of the Penalties or Forfeitures inflicted by virtue of this Act, for any Offence or Offences against this Act, unless Information be given of such Offence or Offences within Two Calendar Months next after the Offence committed, except in Cases where any other Period is mentioned or limited in and by this Act.

Penalties to be sued for within a certain Time.

CX. Provided always, and be it further enacted, That when and as often as any Sum of Money shall be directed or ordered by any Justice or Justices of the Peace to be paid by the said Commissioners, in pursuance of the Directions of this Act, as or by way of Compensation or Satisfaction for any Costs, Damages, Spoil, or Injury of any Nature or Kind whatsoever done or committed by the said Commissioners, or any Person or Persons acting by or under their Authority or Direction; such Sum or Sums of Money, together with the reasonable Costs and Charges of hearing and determining the Matter, shall forthwith be paid by the Treasurer to the said Commissioners, out of any Monies then in the Hands of such Treasurer, to the Party or Parties entitled to receive the same; and if the same shall not be so paid within Five Days after Demand thereof in Writing shall have been made and delivered to the Clerk or Clerks or Treasurer to the said Commissioners for the Time being, then and in such Case the Amount of such Compensation or Satisfaction and Costs as aforesaid shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the said Commissioners vested in them by virtue of this Act, or of the Goods and Chattels of their Treasurer for the Time being, together with the Costs also of such Distress and Sale, under a Warrant to be issued for that Purpose by any Justice or Justices of the Peace, which Warrant any such Justice or Justices is and are hereby authorized and required to grant upon Application made to him or them for that Purpose by the Party or Parties entitled to receive such Compensation or Satisfaction for any such Costs, Damages, Spoil, or Injury as aforesaid.

Compensation, ordered to be paid by Commissioners, may be levied by Distress.

CXI. And be it further enacted, That in all Cases where any Damages or Charges are by this Act directed to be paid, and the Manner of ascertaining the Amount thereof shall not be specified or provided for, the Amount of such Damages and Charges, in case of Nonpayment or of any Dispute respecting the same, shall be settled, ascertained, and determined by some Justice or Justices of the Peace acting for the County of *Durham*; and the Justice and Justices aforesaid is and are hereby authorized and required, on Nonpayment of the Amount of such Damages and Charges, to cause the same to be levied, by Distress and Sale of the Goods and Chattels of the Person or Persons liable to pay the same, in manner directed by this Act for the levying of any Penalties or Forfeitures.

Damages and Charges, in Cases of Dispute, to be settled by Justices.

CXII. And

Justices may proceed by Summonses in the Recovery of Penalties.

CXII. And be it further enacted, That in all Cases in which by this Act any Penalty or Forfeiture is imposed and made recoverable by Information before a Justice of the Peace; it shall be lawful for any Justice of the Peace to whom Complaint shall be made of any Offence against this Act to summon the Party complained against before him, and on such Summons to hear and determine the Matter of such Complaint, and on Proof of the Offence to convict the Offender, and to adjudge him to pay the Penalty or Forfeiture incurred, and to proceed to recover the same, although no Information in Writing shall have been exhibited or taken by or before such Justice; and all such Proceedings by Summons without Information shall be as good, valid, and effectual, to all Intents and Purposes, as if an Information in Writing was or had been exhibited.

For securing unknown Offenders.

CXIII. And whereas Offences may be committed against this Act by Persons unknown to the said Commissioners, Collectors, Surveyors, or other Officers appointed to put this Act into execution; be it therefore enacted, That it shall be lawful for any of the said Commissioners, Collectors, Surveyors, or other Officers respectively, and such other Person or Persons as he or they shall call to his or their Assistance, without any other Warrant or Authority than this Act, to seize and detain every such unknown Person or Persons who shall commit any such Offence or Offences, and take him, her, or them before any Justice of the Peace for the County or Place where the Offence or Offences shall be committed; and such Justice is hereby empowered and directed to proceed immediately to the hearing and determining of the Complaint.

For the more easy Conviction of Offenders.

CXIV. And for the more easy and speedy Conviction of Offenders against this Act, be it further enacted, That all Justices of the Peace before whom any Persons shall be convicted of any Offence against this Act shall and may cause the Conviction to be drawn up according to the following Form, or in any other Form to the same Effect, as the Case shall happen; (that is to say,)

Form of Conviction.

‘ Durham, } **BE** it remembered, That on [*Time of Conviction*]  
 ‘ to wit. } at *A. B.* was convicted before me,  
 ‘ for that the said *A. B.* on at did  
 ‘ [*here state the Offence*], contrary to the Form of the Statute made  
 ‘ in the Tenth Year of the Reign of His Majesty King *George* the  
 ‘ Fourth, intituled [*here insert the Title of this Act*], and I [*or we*]  
 ‘ do therefore declare and adjudge that the said *A. B.* has forfeited  
 ‘ for the said Offence the Sum of or  
 ‘ shall be committed to [*Place of Imprisonment*] for the Space of  
 ‘ . Given under my Hand and Seal, the  
 ‘ Day and Year first above written.’

Conviction not to be quashed for Want of Form.

CXV. And be it further enacted, That no Order, Judgment, or other Proceeding made touching or concerning any of the Matters aforesaid, or touching or concerning the Conviction or Convictions of any Offender or Offenders against this Act, shall be quashed or vacated for Want of Form only, or be removed or removable by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's



Majesty's Courts of Record at *Westminster*, any Law or Statute to the contrary notwithstanding.

CXVI. And be it further enacted, That when any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceedings relating thereunto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity which shall afterwards be done by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage in an Action upon the Case.

Distress not  
unlawful for  
Want of  
Form.

CXVII. And be it further enacted, That in all Actions, Prosecutions, Informations, Causes, and Proceedings whatsoever relating to or concerning the Execution of this Act, none of the said Commissioners, nor their Clerk or Clerks, Collector or Collectors, or other Officer or Servant, nor any Inhabitant within the Limits of this Act, shall be deemed incompetent to give Evidence by reason of his or her being rated or assessed to or paying any Rate or Assessment, or filling or holding any Office, by virtue of or under this Act.

Inhabitants,  
&c. may be  
Witnesses.

CXVIII. And be it further enacted, That if any Person shall be summoned by any Justice or Justices of the Peace for the said County Palatine of *Durham* as a Witness to give Evidence before him or them, or any other Justice or Justices of the Peace for the said County, touching any Matter contained in any Information or Complaint for any Offence against this Act, either on behalf of the Prosecution or on behalf of the Person or Persons accused, and shall refuse or neglect to appear at the Time and Place to be for that Purpose appointed, after having been paid or tendered a reasonable Sum of Money for his or her Costs and Expences, without a satisfactory Excuse being given for such Nonappearance, or appearing shall refuse or decline to be examined upon Oath or Affirmation, or to give Evidence touching the Matter in question before such Justice or Justices, then and in every such Case every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Ten Pounds, to be recovered as other Fines and Penalties are by this Act recoverable.

Penalty on  
Persons not  
appearing, or  
refusing to be  
examined as  
Witnesses.

CXIX. Provided always, and be it further enacted, That if any Person shall think himself or herself aggrieved by any Rate or Assessment to be made or other Matter or Thing to be done in pursuance of this Act, such Person may appeal to a General or Quarter Sessions of the Peace to be holden in the said County of *Durham* within Four Calendar Months next after the Cause of Complaint shall have arisen, such Appellant first giving Ten Days Notice at the least in Writing of his or her Intention to bring such Appeal, and of the Matter thereof, to the Clerk or Clerks to the said Commissioners, or other the Respondent or Respondents, and within

Appeal to  
Quarter Ses-  
sions against  
Rates.

Four Days next after Notice entering into a Recognizance before some Justice of the Peace for the said County, with Two sufficient Sureties, conditioned to try such Appeal, and abide the Order of, and to pay such Costs as shall be awarded by, the Justices at such Sessions; and the said Justices at such Sessions shall hear and finally determine the Cause and Matter of such Appeal in a summary Way, and award such Costs to the Party appealing or appealed against as they shall think proper; and their Determination therein shall be final, binding, and conclusive to and upon all Parties, to all Intents and Purposes.

Justices may amend Rates or quash the same.

CXX. Provided always, and be it further enacted, That upon any Appeal against the said Rates or Assessments hereby authorized, or any of them, the Justices at any General or Quarter Sessions of the Peace shall and may amend the same in such Manner as may be necessary for giving Relief to the Appellant or Appellants personally, without wholly quashing such Rates or Assessments; but if upon an Appeal against the whole Rate or Assessment it shall be found necessary to supersede the same, then and in every such Case it shall and may be lawful to and for such Justices to quash such Rate or Assessment altogether, and to order a new Rate or Assessment to be made by the Commissioners under this Act.

Regulations as to Actions.

CXXI. Provided always, and be it further enacted, That no Plaintiff or Plaintiffs shall recover in any Action or Actions for any Irregularity, unless Notice in Writing shall be given, Twenty-eight Days before such Action shall be commenced, of such intended Action, signed by the Attorney for the Plaintiff, specifying the Cause of such Action, to the Defendant or Defendants, or his, her, or their Attorney; nor shall the Plaintiff recover in such Action or Actions if Tender of sufficient Amends hath been made to him, her, or them, or his, her, or their Attorney, by or on the Behalf of the Defendant or Defendants, before such Action brought; and in case no such Tender shall have been made, it shall and may be lawful to and for the said Defendant or Defendants in any such Action, by Leave of the Court, after such Action shall have been brought, at any Time before Issue joined, to pay into Court such Sum or Sums of Money as he, she, or they shall think fit, whereupon such Proceedings, Order, and Judgment shall be made and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

Limitation of Actions.

CXXII. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any thing done in pursuance of or under this Act, after a sufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, nor after the Expiration of Three Calendar Months from the Time of the Fact being committed; and every such Action or Actions shall be laid or brought in the County where the Cause of Action shall have arisen, and not elsewhere; and the Defendant or Defendants in every such Action shall or may, at his, her, or their Election, plead specially or the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if the same shall

shall appear to have been so done, or that such Action or Suit shall have been brought before Twenty-eight Days Notice given thereof as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Expiration of the Time limited for bringing the same as aforesaid, or shall be brought in any other County than as aforesaid, then the Jury shall find a Verdict for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, Defendant or Defendants, then the Plaintiff or Plaintiffs, Defendant or Defendants, as the Case may be, shall recover Treble Costs, and have such Remedy for the same as any other Plaintiff or Defendant hath in other Cases by Law.

CXXIII. And be it further enacted, That no Justice of the Peace shall be disqualified from acting as such Justice in any Case whatsoever within his Jurisdiction in the Execution of this Act, only by reason of his being one of the said Commissioners for the Time being, or being an Inhabitant within the Limits of this Act, or being rated or liable to be rated to any of the Rates or Assessments to be made by virtue of this Act.

Justices not disqualified from acting in the Execution of this Act.

CXXIV. And be it further enacted, That in all Cases wherein it may be requisite or necessary for any Person or Persons, Party or Parties, to serve any Notice or Notices upon the said Commissioners, or any Writ or Writs, or other Proceedings in Law or Equity, the Service thereof upon any One of the said Commissioners, or left at his usual Place of Abode, or upon the Clerk or Clerks or any other Officer of the said Commissioners, or left at the Office of such Clerk or Clerks or other Officer, or at his or their last or usual Place or Places of Abode, shall be deemed a sufficient Service of the same respectively on the said Commissioners.

Directing what shall be deemed a Service of Notice on Commissioners.

CXXV. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to defeat, lessen, or prejudice the Right, Title, and Interest of the Right Reverend the Dean and the Chapter of *Durham*, as Lords of the Manor of *Westoe* otherwise *Wivestoe*, or their Successors, Lords of the said Manor for the Time being, of, in, and to the Seigniories and Royalties incident or belonging to the said Manor; but that the said Dean and Chapter, and their Successors, Lords of the said Manor for the Time being, shall and may from Time to Time, and at all Times for ever hereafter, have, hold, and enjoy all Quit Rents, Free Rents, and other Rents, Reliefs, Dues, Customs, Suits, and Services, and all Fines, Amerciaments, Courts, Courts Leet, and Views of Frankpledge, Courts Baron, and all Profits and Perquisites of Courts Leet, and all Things which to Courts Leet and Views of Frankpledge and Courts Baron do belong or appertain, within and throughout the said Manor and every Part thereof, and all Goods and Chattels of Felons, Fugitives, and Felons of themselves and put in Exigent, Deodands, Treasure Trove, Waifs, Estrays, Forfeitures, Escheats, Fairs, Markets, Tolls, Customages, Dues, Rights of laying or placing

Saving the Privileges of the Dean and Chapter of Durham as Lords of the Manor of Westoe.

placing Rail or Tram Ways across the Streets, Lanes, and public Passages within the Limits of this Act, as also all other Rights, and also all Royalties, Immunities, Jurisdictions, Franchises, Privileges, Profits, Commodities, Advantages, Emoluments, Hereditaments, Matters, and Things whatsoever to the said Manor, or to the Lords thereof for the Time being, incident, belonging, or appertaining, and to exercise all other Rights, Privileges, and Immunities in as full, ample, and beneficial a Manner, to all Intents and Purposes, as they could or might have done if this Act had not been made.

Public Act.

CXXVI. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others, without being specially pleaded.

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